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HISTORY OF TRINIDAD.

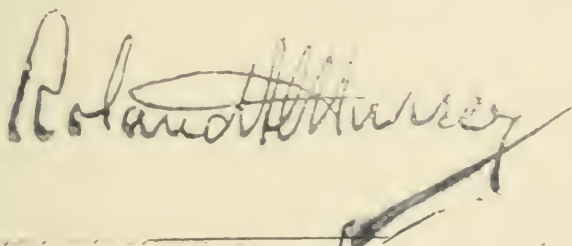
HISTORY OF TRINIDAD

(FIRST PERIOD)

From 1781 to 1813.

BY

LIONEL MORDAUNT FRASER.

A handwritten signature in dark ink, appearing to read 'Roland H. Murray', is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping stroke at the end.

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SANTA BARBARA

TO THE
HON. ARTHUR HAMILTON GORDON, G.C.M.G.,
FORMERLY GOVERNOR OF TRINIDAD ;
THIS
HISTORY OF AN ISLAND,
FOR WHICH HE DID SO MUCH,
IS
RESPECTFULLY DEDICATED,
IN GRATEFUL REMEMBRANCE OF UNVARYING
KINDNESS.





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PREFACE.

ALTHOUGH nearly a century has elapsed since Don José Maria Chacon, the last Spanish Governor of Trinidad, capitulated to the British Naval and Military Forces under Harvey and Abercromby, but little was known until a comparatively recent date of an Island which should have had some interest for Englishmen in connexion with those rough sea dogs who were the Fathers of that magnificent Navy which, in these very days, has been admitted even by its rivals to be the first in the world.

That Trinidad should have so sunk into oblivion—except, perhaps, in mercantile circles—is due to many causes, which the reader of this work will have no difficulty in discovering; fortunately it was not always to be so.

In 1868, under the firm and able government of Sir Arthur Gordon, a new era commenced for the Colony; old prejudices and antiquated ideas were dispelled, and a totally new policy was given room for development.

Not only did wise and comprehensive measures promote this most welcome change from within, but an incident occurred in 1869 which considerably affected the Island from without.

The late lamented Charles Kingsley spent the Christmas of that year in Trinidad, and it is to his charming, gossippy “At Last” that the Island is mainly indebted for that constant stream of visitors who yearly visit its shores. Kingsley has been accused of exaggeration in his description of what he saw, and that the charge is somewhat true can hardly be denied. But what of that? It was eminently characteristic of that genial, buoyant soul to admire always rather than to condemn, and to find

“Tongues in trees, books in the running brooks,
Sermons in stones, and good in everything.”

In this he happily was far different from another literary celebrity who, a good many years later paid a flying visit to Trinidad, and gave to the public *his* view of what he had seen. Here again was exaggeration, but of what a kind? Every fault, and every failing, incidental to a Colony not long emerged from the dark night of slavery magnified and dragged into observation; every thing, and every one, that could recall the bygone days of class legislation deplored when non-existent and admired and glorified whenever a trace of them could be found!

There can be no doubt that the kindly exaggerations in "At Last" have done more good to Trinidad than the sneers and mis-statements in "The English in the West Indies; or, The Bow of Ulysses" have done harm.

Neither of these two works, however, can be called a "History of Trinidad," and that is what, perhaps somewhat too boldly, the present writer has undertaken to produce.

Joseph's history, interesting as it is, does not extend beyond 1830, and besides is almost out of print. The valuable work of the Hon. Dr. de Verteuil is scientific rather than historical, and the "Histoire de la Trinidad" by M. G. Borde deals entirely with the two centuries antecedent to the British conquest.

The object of this work is to bring into a connected narrative the story of the fortunes of Trinidad from the period when the foresight and energy of Roume de St. Laurent converted it from a mere settlement into a Colony; to show the great natural advantages the Island possesses for both agriculture and commerce, and how those advantages have been made available or lost sight of since it has belonged to Great Britain.

The collection of the necessary materials, especially for the earlier chapters, has been laborious work; but it has been a labour of love, and the author will be well repaid if he succeeds in creating a little more interest in a Colony with which he has been connected by the closest ties for the last five and thirty years.

L. M. F.

PORT-OF-SPAIN,
November, 1891.



CHAPTER I.

IT was on the 31st July, 1498, when on his third voyage of discovery, that Columbus first sighted the Island to which, in pursuance of a vow, he gave the name of Trinidad. In his letters to Ferdinand and Isabella the great discoverer speaks of "the stately groves of palm trees and luxuriant forests which swept down to the sea side, with fountains and running streams beneath the shade;" he dwells upon "the softness and purity of the climate, and the verdure, freshness, and sweetness of the country," and as it was then, so is it in many respects now, after a lapse of four hundred years. The same rivers run down to the sea and gladden the weary traveller, but where Columbus saw nothing but dense forests and uncultivated savannahs, there are now groves of cacao and wide-spreading fields of sugar-cane, intersected by roads leading from prosperous towns to busy villages, with churches and schools springing up on every side. There are still, however, large tracts of forest as little explored except by the hunter, as they were in the days of the Great Admiral.

Whilst the hills and the forests remain but little altered, save where the march of civilization is gradually changing the aspect of the former, and slowly clearing the latter, there are few traces left of those to whom those hills and forests once belonged. As, in North America the Red Indians have gradually disappeared before the encroaching white races, so in Trinidad the Aruacas and the Chaymas, the Tamanacos and the Cumanagotes have little by little faded away out of the community, and are now barely represented by a few families of mixed descent. It is, however, only just to observe, that although in the early days of the Spanish occupation there was a continual conflict between the Spaniards and the natives, yet when

finally the former established their supremacy, the greatest care was taken that the Indians should be humanely and fairly treated under special laws enacted for their benefit by the Kings of Spain, and which for many years after the cession of the Island, were scrupulously observed by the English Government.

According to the most trustworthy authorities, no Governor was appointed to the Island by the Spanish Crown until 1530,* when Don Antonio Cedeño, having obtained a Royal Patent, attempted to assert his authority by force of arms. He did not find it an easy task to subdue the Indian population, for, during the whole of his nominal government, he was engaged in perpetual conflicts with warlike and by no means despicable enemies, who finally compelled him to retreat to the Mainland.

Cedeño died in the year 1540, whilst on an expedition to explore the Rio Meta, a confluent of the Orinoco, and, for many years after his death Trinidad was scarcely visited, save by vessels engaged in the nefarious trade of carrying off the Indians for the purpose of selling them as slaves.

The existence of the El Dorado of the early discoverers was still believed in, and as many expeditions were made in the hope of finding the fabled city, the very streets of which were said to be paved with gold, Trinidad gradually became a place at which vessels going up the Orinoco very frequently touched. In 1584, or thereabouts, Don Antonio Berrio y Oruña established himself in the Island and founded the city of San José de Oruña.† This town, which until a few years previous to its capture by the British was the capital of the Island, was burnt by Sir Walter Raleigh in 1595.

From the date of Raleigh's raid (for it can scarcely be called by any other name) until 1783, the history of Trinidad has no great interest for the general reader, yet some interesting facts illustrating the social condition of the Colony during the hundred years preceding its conquest by the British, and which have been collected from authentic documents, are worthy of record.

In 1687 the King of Spain confided to the Capuchins of the

* F. A. Caulin, *Historia de la Nueva Andalucia*—quoted by M. Borde.

† Now called St. Joseph.

Province of Catalonia the spiritual charge of the Indians of the Island of Trinidad and of the Province of Guayana, and between that date and 1702, 5,000 of both sexes were baptized and eight "Missions"* were formed, five in Trinidad and three in Guayana. It does not seem that the Indians in Trinidad submitted very willingly to either the spiritual or temporal government of their new rulers, as from a very interesting Report sent from Caracas to the Spanish Government in 1745, it appears that "twelve years after the arrival of these Missionaries, viz., in December, 1699, when they opened a new Mission in the Island of Trinidad under the name of San Francisco de los Arenales,† the Indians, prompted by the devil, put to a cruel death the three Missionaries who had undertaken the charge of it." The Report goes on to say, that "a year and-a-half later the inhabitants of the town (*la ciudad*)‡ wishing to bring to the Church the remains of these priests, found their bodies free from corruption and their wounds presenting every appearance of having been recently inflicted." According to a tradition which still exists amongst the old Spaniards of the Island, it would appear that the Governor and the principal authorities were also present at the banquet given on the occasion of this inauguration of the Mission of San Francisco, and that on a preconcerted signal being made, they were all massacred by the Indians.

From this Report§ it is clear that the Indians were not at that time a conquered race. But many years did not elapse before the superior skill and discipline of the Spaniards reduced them to complete subjection, and when the English became masters of the Island, the few Indians who remained were little better than "hewers of wood and drawers of water." To a great extent this was due to the laws enacted for their protection, which by treating them as children who never came of age, crushed out of them all feelings of independence.

* Indian Settlements under the joint charge of a Priest and of a Corregidor or Civil Magistrate.

† The Mission of San Francisco was situated on the banks of the Arena, a tributary of the Tumpuna river, in the District of Arima.

‡ "La Ciudad" in those days could only mean to San José de Oruna.

§ The Report alluded to in the text is to be found in the valuable collection of "Documentos para la Historia de la vida publica del Libertador de Colombia, Peru y Bolivia—Caracas: Imprenta de "La Opinion Nacional, 1875."

As the Indians gradually became less and less formidable, the Spanish Settlement increased in importance, but the few records which yet exist show that Spain never attached any great value to Trinidad as a Colony. It is a matter of history how singularly unfortunate in colonization was that country to which the New World is indebted for its discovery,—a rule to which Trinidad certainly formed no exception,—and it would seem that the Island was retained by Spain rather because she was already possessed of it, than from any idea of its value.

It must not, however, be supposed that it was left entirely to govern itself. Under the Spanish rule there existed in the Colony, (as throughout the Spanish Empire), a body called the “Cabildo,” a Corporation which has been by some writers erroneously likened to the Municipal Councils of English Boroughs, with which it had no resemblance whatsoever. The Cabildos owed their creation to a desire on the part of the Spanish Monarchs to check the growing power of the Nobles, who on the one hand threatened the dignity and prerogatives of the Crown, and on the other the liberties of the people; and if an illustration be required in order more fully to explain their nature, it must be looked for in the Italian Republics of the Middle Ages rather than in the Municipal Institutions of England.

The Cabildo played so prominent a part in the history of Trinidad, not only under the former Rulers of the Colony but even long after it had become a British possession, that some account of its constitution is absolutely necessary.

According to Escriche, the term “Cabildo” signifies a “Congress or Assembly composed of the Chief Magistrates, Aldermen, and others, charged with the administration and internal government of a town.” From the same authority it appears that the Cabildos date from a period in the history of Spain, when the Grandees, taking advantage of the great judicial powers which had been conferred upon them at the foundation of the Monarchy, began to tyrannize over the middle and lower classes, and not content with their already enormous privileges, aspired to entire independence and even sought to usurp the rights of the Sovereign himself. In order to put a stop to the many and serious evils resulting from this state of things, the Spanish

Kings, in the eleventh and twelfth centuries, established the Cabildos, or Councils of the people, confiding to them civil and criminal jurisdiction, as well as all matters of Municipal government, but reserving to themselves the right of hearing appeals and complaints from such persons as were not satisfied with the decision of these Tribunals. To places of importance, the King appointed Governors whose duty it was to ensure the due observance of the Laws, to collect the Royal revenues, and to keep in good order the forts and walls of the towns. In each town the Cabildo was composed of the Heads of Families, or Notables,—persons who either from social standing or wealth, wielded a certain influence,—and in it were discussed and regulated all questions affecting the public weal. The Alcaldes or Magistrates for the year, as also the other Officers of Civil and Criminal Justice, and all the functionaries charged with the internal administration of the town, were also elected from, or appointed by, the Cabildo.

This peculiar system of Municipal Government seems to have intended that the Cabildo should represent the People, and have the power to make and enforce Laws provided that these were approved by the Sovereign. At the same time, it was meant to be a barrier to protect the lower classes from the oppression of the Nobles, and even from tyranny on the part of the Crown itself.

Such was the Municipal organization in Spain until about the middle of the fourteenth century when some important alterations were introduced. Each town being as it were a small Republic, its Cabildo frequently became a theatre for the display of violent dissensions caused by family jealousies or personal enmities. The Crown, from this cause, limited the number of Regidores (Aldermen) in each Cabildo, and enacted that in future the government of the Municipality should be carried on under the direction of a Corregidor or President. Before long a further innovation was made, salaried officers being sent to the cities and towns as Corregidores or Alcaldes Mayor to administer justice in the Royal name.

Cabildos existed in all the Spanish Colonies, but of course had to undergo certain modifications, rendered necessary by circumstances. South America, for instance, was governed by Viceroy's having under

them Provinces ruled by Captains-General, whilst Colonies like Trinidad were placed under Governors, supreme in all military matters, but who, for the purposes of Civil Government, were only the Corregidores of their Cabildos. In those days, when communication with Old Spain, or even with the Viceroy, was difficult and tedious, it was undoubtedly possible for the Governor of a distant Province to abuse the authority with which he was invested; but against this the Spanish Law provided a very substantial guarantee. Whenever the term of office of a Governor expired, another officer of rank equal to his own was sent to the seat of his Government to hold for a certain fixed period what was called a Court of Residencia, during which time all persons having cause of complaint against the outgoing Governor or those who had acted under his orders had an ample opportunity of stating their grievances.*

The following extracts from the Archives of the Cabildo will explain the mode of action of these Courts of Residencia:—

“ City of San José d’Oruña,
“1776, Aug. 28th.

“ Appeared before the Board Don Pedro Joseph Marquez, who produced a Royal Despatch, whereby he is commissioned to hold a Court of Residencia on Colonel Don Joseph de Flores, late Governor of this Island, and all concerned, which, on being read, was resolved to be carried into execution.

“ Sept. 5.—Read a Decree of the Judge of Residencia, declaring the two Alcaldes and the Senior Regidor subject to his Court, and praying the Board to confer their offices on other persons during the duration of the same.

“ Nov. 2.—Read a letter from His Excellency the Governor, ordering the Alcaldes and Regidor, who had been suspended by motion of the Court of Residencia, to be re-instated in their offices, no charges having been brought against them.”†

The above sketch will give the reader some notion of the form of

* *Diccionario razonado de Legislacion y Jurisprudencia*—(Paris: Eugène Maillefer et Cie.; Caracas, Almacen de Rojas Hermanos, 1859.)

† The extracts from the Archives of the Cabildo are taken from a translation made by order of Sir R. Woodford in 1814. Two copies of this were made, but both disappeared, and it was commonly believed that the old records had been destroyed in the fire of 1808. Fortunately one duplicate was found amongst the papers of the late John Stone, for many years Police Magistrate of Port-of-Spain, and given to the Borough Council by his son Mr. H. Stone.

internal Government under which Trinidad was ruled previous to its conquest by the British in 1797; that form of Government continued to exist, with certain necessary modifications, for many years afterwards, and it will be for those who have seen both the old system and the new,—and there are some of these still living,—to say whether any real good was effected when the Cabildo was swept away to make room for Municipal Institutions on English models.

In spite of the high-sounding titles of its leading officials, the Colony itself was of but little importance, and the following extract from the Minutes of the Cabildo shews the poverty of the colonists in the middle of the last century :—

“ April 28th, 1757.

“ Read a letter from His Excellency the Governor, directing the Board to proceed immediately to arrange and put in proper order the papers of the Cabildo, which are in a very confused state; to take an inventory of the same and to order a press to be made with two keys to keep the papers in safety; to buy a decent book, properly bound, to enter the Minutes of the Board; to proceed without delay to build a Town Hall which had been begun and abandoned; to cause the vacant lots and the streets of St. Joseph to be cleared of the bush which covers them, and to have the holes and ditches in the streets filled up; to give proper orders to have the roads, and principally the avenues, of the town cleared of woods and thickets; to regulate the prices of the articles of provisions which are produced in the Island, by making a proper tariff. . . &c.

In reply to this communication the Cabildo represented to the Governor :—

“ The impossibility of carrying these orders into execution, considering the very small number of inhabitants, and their extreme poverty: the total want of money; the want of cattle and of all sorts of provisions; that the inhabitants feed themselves and their families with what little they can personally get in the woods and in the sea, and that many days they return to their homes without anything to eat, which has induced many to leave the Island; that their occupation of weeding their little plantations takes up all their time; that they are constantly employed in mounting guard at the mouth of the Caroni (there being but ten soldiers in the Island) and doing other public services, to the detriment and often to the total loss of their gardens; that if forced to perform other works they would leave the Island, and that if all the inhabitants together were put to work at repairing the holes and ditches of the town they could not finish the work in one year; and lastly, that they have no tools, nor are there any to be had in the Island, and that even if there were they have

not the means to purchase them. Notwithstanding all these obstacles, orders will be given to oblige Pedro Bontur, the only carpenter in the Island, to make the press for the Archives, and to receive payment in provisions, as they can be collected from the inhabitants, on whom a contribution will be laid to that effect; but His Excellency the Governor must provide the boards (the Cabildo knowing no one in the Island who has them, or can make them) and procure from the Main, when an opportunity offers, the locks and hinges for the same, nothing of the kind being to be found here; that orders will be given to arrange the papers of the Cabildo in proper order, and that the book will be made when they can get the paper, there not being a single sheet amongst all the members of the Cabildo," &c.

From this extract it is evident that the resources of the Island were at that time either utterly unknown or entirely undeveloped. Bad as matters undoubtedly were, it is, however, probable that the members of the Cabildo somewhat exaggerated the difficulties under which they laboured. They feared that the Government might compel them to exert themselves to better a condition with which they were perfectly contented, which they therefore depicted as being hopelessly desperate.

Before proceeding to describe how Trinidad was transformed from a useless and unproductive possession of the Spanish Crown into a flourishing and prosperous Colony which the King of Spain was destined to lose almost immediately that it became worth keeping, it will be well to state the little which is known of the Population and Revenue of the Island in the last century.

In 1733 a census of the inhabitants was taken, and the name of every *free* colonist was entered in the Books of the Cabildo. According to this Return there were but 162 male adults in the Island, and of these only 28 were white. No account was taken of either the Indians or the slaves, and the total Revenue of the Colony for the same year was \$231, or not quite £48 sterling.

In 1735 the Revenue amounted to \$780, and in 1746 it had increased to \$9,735, being four times what it had been only thirteen years before.

In September, 1777, the provinces of Guayana, Cumana, and Maracaibo, with the islands of Margarita and Trinidad, which had hitherto formed part of the Vice-Royalty of New Grenada, were placed under the authority of the Captain-General of Caracas. It was shortly after

this that an event occurred which brought about important changes in Trinidad, and which was to some extent the cause of the Colony becoming a British possession.

In 1778, M. Rome, or Roume, de St. Laurent, a French planter from the neighbouring Island of Grenada, paid a visit to Trinidad which was destined to have an extraordinary effect in every way upon the future of the Island. Struck by the remarkable contrast it presented with the older Islands with which he had hitherto been familiar, St. Laurent perceived that population was all that was needed to ensure the development of its latent riches. The imprisonment by the Governor of a French gentleman named Dert, affording him a pretext for visiting Caracas to plead the cause of his countryman before the Court of Royal Audience in that city, St. Laurent seized the opportunity to submit to the Spanish authorities a scheme for the colonization of Trinidad. His plan met with approval, and in April, 1780, Don Martin de Salavaria, then Governor of the Colony, acting under orders from Caracas, authorised the Chief Magistrate of the Island to proceed to the neighbouring Colonies in order to induce persons to emigrate from them and to settle in Trinidad.

In 1783 St. Laurent went to Madrid to urge in person his proposed scheme of colonization. The war between England and Spain had just come to an end, and the Cabinet of Madrid was at leisure to attend to his project. So well did he plead his cause that three months after the signing of the Peace of Paris, the King of Spain issued a Royal Cedula, dated from San Lorenzo, in which he offered such great advantages to persons desirous of settling in Trinidad that in a very short time the original colonists were largely outnumbered by the new comers, who were chiefly French. This Cedula, which was dated 24th November, 1783, was brought to Trinidad by Don José Maria Chacon, the last of the Spanish Governors of the Colony.

He was a man of ability and education, honourable, philanthropic, and intelligent, but wanting in decision and strength of mind. He arrived in Trinidad in September, 1784, and the Royal Cedula, translated into French and English, was published by him immediately after his arrival. It is a very remarkable monument of the extreme minuteness with which the Spanish Government regulated the affairs of its Colonies.

Experience has taught the lesson that it is far better to allow settlers in new countries to fight their way, through no matter what amount of hardship and privation, rather than to fence them round with such precautions as are manifest in every line of this curious document. The effect of over-solicitude can only be to weaken, if not utterly to destroy, that energy and spirit of self-reliance without which the pioneers of civilization in a new land cannot hope for success. But at the same time it is impossible to read the Cedula of 1783 without feeling, that although it ultimately failed to secure all the results to ensure which it was framed, it was dictated by a spirit of Christianity deserving a success, that from causes against the effect of which it was impossible to contend, it did not obtain.

Avowedly projected for the purpose of encouraging immigration, everything which might tend to aid the new settlers during the first and most trying years of their residence in the Colony was carefully provided for in the different clauses of the Cedula. Articles of first necessity, such as food and implements of Agriculture, were to be supplied to the new colonists at prime cost; clergy "of known literature and exemplary virtue, and skilled and versed in foreign tongues," were especially appointed to take the spiritual charge of the new settlers, and were to be paid "the necessary stipend to enable them to live in the decent manner which their character required without being any charge to their parishioners;" and various other regulations were made to ensure to the new settlers something like comfort and security. Doubtless, if such precautions had been taken by the English Government when the first emigrants embarked for Australia or New Zealand, much individual misery would have been avoided; but it can scarcely be a question whether, had such been the case, those Colonies would have become what they are to-day.

After the promulgation of this Cedula, there was a great influx of foreigners, and in 1786, Trinidad, although still a Spanish possession, had become almost entirely French in population.*

The French inhabitants were divided into two very distinct

* In that year (1786) the Cabildo of Port-of-Spain was composed of seven Frenchmen, two Spaniards, and one Irishman.

classes ; a number of families belonging to the old *noblesse*, tempted by St. Laurent's glowing description of Trinidad, had left the other French Colonies in the hope of redeeming fortunes squandered in the *salons* of Paris and Versailles, and these formed the nucleus of that refined society for which the Island has always been celebrated, and which still constitutes one of its most distinctive features. A few years later, when the first mutterings were heard of that tempest, which was to sweep away the old landmarks and change the map of Europe, many who had friends and relatives in Trinidad threw in their lot with them rather than risk the guillotine in France, or the torch of the incendiary in St. Domingo. When, a little later still, during the war between France and England, the Carribbean archipelago became a theatre for some of the most heroic deeds recorded in the annals of war, another and a very different class of French immigrants found their way to Trinidad, a class chiefly characterized by an intense hatred of Monarchical Government, and composed of turbulent, intriguing men, who in a short time began to act as though the Island belonged to France rather than to Spain.

It has been urged by some writers that the Republican French residing in Trinidad in 1796-7 have been much maligned. The following extract from a paper, evidently prepared by an eye witness, speaks for itself:—

“En 1797, époque où l'île de la Trinité passa sous la domination Anglaise, toutes les Colonies des Antilles étaient menacées de violentes révolutions; St. Domingue, La Martinique, La Guadeloupe, Ste. Lucie avaient été ensanglantées par la révolte; La Grenade, St. Vincent, l'avaient été à leur tour et venaient d'éprouver les plus grands désastres; toutes ces contrées étaient menacées. L'avenir était partout effroyable. La Trinité était plus qu'aucune autre dans une agitation dont-il est impossible aujourd'hui de se faire une juste idée si on n'en a pas été témoin.”*

In the Minutes of the Cabildo there is also ample evidence of how

* “Relation abrégée des services que M. St. H. Bégorrat a rendue à la Colonie.”

NOTE BY AUTHOR.—The above document, the perusal of which I owe to the kindness of a descendant of M. Bégorrat, is very interesting. The writer takes the view, that with the assistance of the French inhabitants, Chacon could have resisted the English, but this does not affect the value of the admission that in 1797 Trinidad was threatened with disorders similar to those which had already desolated St. Domingo and the other French Colonies, and which proceeded from the same cause,—the spread of Revolutionary ideas.

much, and with what good reason, Chacon dreaded the addition to the population of men over whom he had no influence, and to control whom he had not a sufficient military force at his command. The following speech of his to the Cabildo in April, 1794, clearly proves this :—

“The Government, whose attention is constantly occupied by a multiplicity of business of importance, cannot attend to the execution of every particular affair, and it is necessary that those persons who, by their character and the offices they hold, are in positions of respectability should aid the Government and the nation. The recent conquest of the French Islands by the British has ensured to Trinidad a tranquillity which it has not enjoyed during the last three years, Martinique being no longer the centre from which were inspired a number of wicked men scattered about the Islands and possessed with the daring idea of revolutionising the West Indies.

“Should the British Government persist in following the plan it has adopted, of sending all suspected persons prisoners to Europe, peace and tranquillity will soon be re-established in the Colonies, and the Planter and the Merchant, being enabled to look exclusively after their business, will enjoy the fruit of their labours.

“At the same time I cannot lose sight of the many obstacles and difficulties which may prevent or delay so desirable a result.

“Despite the vigilance of the English, several persons of wicked and pernicious dispositions have hidden themselves, and, escaping observation, have sought an asylum amongst their comrades in the other Islands; some took refuge in Trinidad, but, as soon as they were discovered the Government caused them to be shipped off, and took every measure dictated by prudence to prevent the recurrence of such an event.

“As, however, it is impossible for the Government, unaided, to succeed in this, I ask the Board to assist the Executive and to name a Committee to enquire into and scrupulously examine the circumstances attendant upon the arrival of all strangers in the Island; to take cognizance of their passports, papers and documents, (to be transmitted by the Executive to the said Committee), and to report fully upon the same to the Government, in order that it may be decided whether or not the said persons shall be admitted into the Colony.”

There is but one way of interpreting this address, which shews clearly the kind of immigration which was then flowing into the Island. In another extract from the Minutes of the Cabildo there is even stronger proof of the sentiments with which these immigrants were regarded :—

“March 14th, 1796. Read a communication from H. E. the Governor covering a letter from the Captain-General of the Havannah, on the

subject of the admission of a number of black and coloured auxiliary troops of the Chief Jean François, a black of the Island of San Domingo, and soliciting the opinion of the Board as to the admission or rejection of these people.

“Resolved : That H. E. the Governor be prayed not to permit on any account the landing of these men in the Colony where the seeds of revolutionary principles have not only taken root but in several instances have been seen to send forth shoots.”

Subsequent events shewed that the Governor and the Cabildo were not mistaken in the view they took of the character of these recent arrivals. That long and bloody struggle which with brief intervals of delusive peace, was only to terminate on the field of Waterloo, had already commenced, although England as yet kept aloof from the war which the continental powers were waging against the French Government. As soon, however, as the news of the massacre of the Swiss Guards on the 10th August, 1792, and the imprisonment in the Temple of Louis XVI. and his family became known in England, Lord Gower the British Ambassador was recalled, on the ground that the captivity of the King of France rendered his mission null. Chauvelin, the French Envoy in London, was ignored by the Cabinet of St. James, and when he protested against this slight was informed by Lord Granville in a diplomatic note that he was “not otherwise accredited to the King of England than in the name of His Most Christian Majesty.”

Events in the French Capital followed rapidly one upon the other. On the 21st January, 1793, Louis XVI. was beheaded, and the news must have been at once transmitted to London, for, on the 24th, Chauvelin was notified to leave England within eight days, and on the 28th a Royal Message informed both Houses of Parliament that the military and naval forces of the Kingdom had been augmented “in consequence of the atrocious act recently perpetrated at Paris.”*

Even previous to the death of Louis XVI. the party which had seized the reins of power in France had taken decided measures to convince the world that they were terribly in earnest, and that not content with subverting their own Monarchy, they intended to impose their doctrines upon other nations under monarchical rule.

* Annual Register, 1793.

By a decree of the Convention of the 19th November, 1792, the following Gospel of Revolution was announced to the world:—

“The National Convention declares in the name of the French nation that it will grant fraternity and assistance to all peoples who wish to recover their liberty, and it charges the Executive Power to send the necessary orders to the Generals to give succour to such peoples and to defend those citizens who have suffered, or who may suffer, in the cause of liberty.”

A month later the following Resolutions were adopted by the same Body:—

“The National Convention, faithful to the principles of the Sovereignty of the people which will not permit that any Institutions militating against it should be acknowledged, decrees as follows:—

“In all those countries which are, or shall be, occupied by the armies of the French Republic, the Generals shall immediately proclaim in the name of the French People the abolition of all existing imposts and contributions, of tithes, feudal and manorial rights, all real and personal servitude, and, generally, of all privileges.

“They shall proclaim the Sovereignty of the people and the suppression of all existing authorities; they shall convoke the people to name a Provisional Government, and shall cause this Decree to be translated into the language of the country.

“All agents or officers of the former Government, military or civil, and all individuals reputed noble shall be ineligible to any place in such provisional Government on the first election.

“The Generals shall forthwith place under the safeguard of the French Republic all property, moveable or immoveable, belonging to the Treasury, the Prince, his adherents and attendants, and to all public bodies and communities, both Civil and Religious.

“The Provisional Government shall cease as soon as the inhabitants, having declared the Sovereignty of the people, shall have organized a free and popular form of Government.

* * * * *

“The French nation declares that it will treat as enemies the peoples who, refusing or renouncing liberty and equality, are desirous of preserving their Princes and privileged castes, or entering into accommodation with them.

“The nation promises and engages not to lay down its arms until the Sovereignty and Liberty of the people, on whose territory the French army shall have entered, shall be established, and not to consent to any

arrangement or treaty with the Princes and privileged persons so dispossessed with whom the Republic is at war.*”

This and other incendiary Proclamations, followed by the irretrievable step taken by the Convention in bringing Louis XVI. to the scaffold, compelled England in self defence to aid in putting an end to,

“The anarchy which had broken all the most sacred bonds of society, dissolved all the relations of civil life, violated every right, confounded every duty; which used the name of Liberty to exercise the most cruel tyranny, to annihilate all property, seize on all possessions; which founded its power on the pretended consent of the people, and itself carried fire and sword through extensive provinces for having defended their Laws, their Religion, and their lawful Sovereign.”

Such was the language in which the Commanders of the British Land and Sea Forces announced in October, 1793, that England was at length about to put forth her strength against Republican France.

In the course of the war which ensued a large number of privateers had been equipped by the belligerents, and owing to its innumerable islands, bays, and inlets, the Carribbean Sea was a favourite cruising ground not only for them, but also for other vessels of a more doubtful character, which were commanded and manned by men to whom every part of the coast was familiar, who had long been outlawed from society for their crimes, and whose “hands were against every man and every man’s hand against them.” The Gulf of Paria afforded shelter and a place of rendezvous to many vessels of both of these classes, and the British and other ships trading to Trinidad and the Islands in the neighbourhood were greatly harrassed by them.†

* Annual Register, Vol. 34, p. 155.

† The *Moniteur* of the 29th April, 1797, contains a notice of which the following is a translation :—

“Victor Hugues, Commissary of the French Executive in the West Indies, has issued a Proclamation authorizing the vessels of the Republic and the French privateers to seize and carry into any port of the Republic every neutral vessel bound for the Windward and Leeward Islands which are in the occupation of the English or occupied and defended by *émigrés*.”

The latter part of this notice evidently refers to the troops raised under the Act of Parliament of 1795, by which French subjects were enabled to “enlist as soldiers in regiments to serve on the Continent of Europe and in certain other places, and to enable His Majesty to grant Commissions to subjects of France to serve and receive pay as Officers in such Regiments.”

Under this Act eight Regiments were raised, known as:—*D’Autichamps*, *De Viomenil*, *De Bethisy*, *De Mortimart*, *De Castries*, *De Dremay*, *D’Hervilly*; and these Regiments, some of which served in the West Indies, were looked upon with peculiar disfavour by the French Republicans.

In May 1796, an English squadron, under the orders of Captain Vaughan of the *Alarm*, was cruising off the Grenadines* when information reached the Commodore that some British vessels were unable to leave Port-of-Spain in consequence of the presence in the Gulf of a number of these privateers. He immediately made sail for Trinidad, and on arriving in the Spanish waters, anchored outside of the Bocast and despatched Captain Skinner with the sloop *Zebra* to Port-of-Spain, charged with a message to the Governor.

Skinner arrived off the Town after nightfall and at once proceeded to pay his respects to the Governor, to whom he made the most forcible representations as to the mischief done to the commerce of the Island by the privateers who were allowed to remain in the Gulf. He urged that they were nothing but pirates who respected the flag of no nation, but outraged all indiscriminately, and concluded by asking permission to attack these vessels which, it was notorious, were manned by runaway slaves and miscreants of the very worst character, who had fled from Martinique, Guadeloupe and the other French Islands to escape the penalties due to their crimes.

Chacon very properly refused his consent, and insisted that the neutrality of the Spanish waters should be respected, Spain being then at peace with both France and England; it is, however, difficult not to believe that he allowed Skinner to perceive the satisfaction it would be to him if the Gulf could be freed from the privateers who were utterly destroying the trade of the Island and against whose outrages and insults he was powerless.

After his interview with Chacon, Skinner returned on board of his vessel, and at daybreak the next morning weighed anchor to rejoin Vaughan outside of the Bocas. The privateers, it is said, mistook the *Zebra* in the grey early dawn for an English merchant vessel called the *Mary* which had lain in the port for some days, the Captain not daring to put to sea knowing that the French were on the watch, for him, and under this mistake, which was at once detected by

* A chain of small Islands between Grenada and St. Vincent.

† The entrances into the Gulf of Paria from the Caribbean Sea are called "Boca de Monos" or "The Apes," "Boca de Huevos" or "The Eggs," "Boca de Navios" or "Passage of the Ships," and "Boca Grande"—"The Great Passage."

Skinner, they chased the *Zebra* as she sailed slowly down the Gulf before the morning breeze. Their light vessels soon overtook what they believed to be an almost helpless prey, but, just as the crews of the leading privateers were about to board, the *Zebra* opened both her broadsides upon the bewildered Frenchmen who found out, too late, how grave a mistake they had made. Their vessels were either burnt, sunk, or driven ashore; several of their men were killed, but the majority succeeded in landing and made their way to Port-of-Spain, vowing vengeance against the English.

On the day following this affair, Vaughan sailed up to Port-of-Spain as if on a friendly visit to the Island, and was well received by the Governor and the principal inhabitants. As may be supposed, the French Republicans were greatly disgusted at seeing so cordial a reception given to him, and they eagerly sought an opportunity to avenge the destruction of their vessels, and, unfortunately for the peace of the Island, one was but too soon found.

A few evenings after Vaughan's arrival in the Gulf a number of the seamen of the *Alarm* were on shore amusing themselves after the manner of their class. Whilst doing so they were accosted by the remnants of the crews of the Privateers destroyed by the *Zebra*; hot words and mutual insults were exchanged, and in an instant a hand-to-hand fight commenced in the very centre of the town.

The men of the *Alarm*, being on leave, were unarmed, but they made the best fight they could with sticks or any other weapons that came within their reach. The Frenchmen raised the cry "*aux armes ! Vive la République ! à bas les Anglais,*" and a general *mélée* soon took place. It so happened that several of the English officers were spending the evening at the house of a lady named Griffiths, situated at the north-west corner of what are now known as Frederick, and Queen Streets; recognizing the angry voices of their men and hearing at the same time the ominous cries of the French, they at once rushed to the assistance of the former. The British seamen were by this time in a rather critical position; retreat to their boats was cut off by a yelling crowd which far outnumbered them, and they were momentarily in danger of being overpowered; they at last succeeded in forcing their way through the mob and took refuge in a house on the *Place*

d'Armes,* in which they barricaded themselves against the French, who unable to effect an entrance, fired at random into the house and severely wounded an officer,—the surgeon of the *Alarm*. As the French were now mustering in force and were proceeding to break open the house, matters began to assume a serious aspect; Don Diego Meany, the Governor's Secretary, hurried to the spot with as many soldiers as he could muster, and aided by the Assessor of the Governor, Don Juan Jurado, succeeded in diverting the attention of the mob for a short time, thus enabling the sailors to effect their escape by the back of the house and so find their way to their boats. Early the next morning Vaughan disembarked a number of seamen and marines, and drew them up in military array on the beach. When about to march into the Town he was accosted by the Officer on duty at the Fort, who asked him what were his intentions in thus violating the law of Nations and the neutrality of the Spanish territory. Vaughan, who was an impetuous, hotheaded Welshman, at once replied, that he had landed to "chastise the rascally Frenchmen who, on the previous evening, had insulted and maltreated his officers and men."† The Spanish Officer remonstrated with him in vain, and Vaughan marched into the Town. By this time the alarm had been given, and the Republican French, mustering in strength and confident in their numbers, prepared to meet the English invaders.

The Governor was placed in a most embarrassing position. He had but eighty effective soldiers under his command, and he knew that their sympathies (like his own), were with the English; still it was his duty to use every effort to induce both parties to respect the neutrality of the Island, and this duty he was prepared to perform at no matter what risk to himself, or to those acting under his orders. As soon as he heard of Vaughan's landing, he put himself at the head of all the troops he could collect, and hurrying through the cross streets of the Town, succeeded in placing his little force between the English and French before a shot had been fired or a blow struck on either side. Having thus prevented actual collision he did not

* An open space in front of what was then the Arsenal and where the Catholic Cathedral now stands.

† Local tradition.

content himself with mere remonstrances ; although the force he commanded was greatly inferior to the English in numbers, he declared that the latter should advance no further into the Town except by forcing a passage through his troops, and he emphatically warned Vaughan, that the immediate result of his mad act would be a rising *en masse* of the French Republicans, who, from their numerical superiority, would overwhelm both Spaniards and English in one common destruction. Vaughan at first refused to listen to these arguments and persisted in his purpose, but some of his officers, more calm and collected than their commander, joined their expostulations to those of the Spanish Governor, feeling that he had both law and reason on his side. On this Vaughan yielded, though somewhat reluctantly, and retired to his boats, followed at a respectful distance by a hooting and jeering crowd.

As soon as the English vessels had left the harbour, which they did almost immediately, a wild riot broke out in Port-of-Spain. The Arsenal was pillaged and the Republicans became masters of the town, from which every Englishman (and indeed every one who did not sympathise with the mob), was driven, some barely escaping with their lives.*

* Allowance must be made for political animus, but the evidence is strong against the then French population of Trinidad. Bégorrat, a Frenchman himself and no friend of Chacon, admits the troubled state of the Colony in the last days of his administration, [*Vide ante*, p. 11] and when, in 1806, evidence was taken on behalf of General Picton, under a Mandamus from the Court of King's Bench, some very curious facts were elicited from the following witnesses :—

Nicholas St. Pé, a gentleman who had resided in the Colony since 1777, and who had held important offices under the Spanish Government, deposed as follows :—

“ The political state of the Colony at the time of the conquest was very afflicting ; the police was very inefficient, though it had been good some time before. It was very dangerous to do any act of severity in police, because the Government did not think they had sufficient force to repress disorders, and when complaints were made of any aggravated nature, the Government persuaded them (*the persons complaining*) to patience.”

“ The cause of this was a numerous population, consisting of various characters of different opinions, and the bad doctrines of whom had been adopted among the free and enslaved, and by some whites also.”

The Hon. John Nihell, a Member of Council, deposed :—

“ For several months, and even years, immediately preceding the conquest, the English and other good people of the Colony considered themselves in constant danger of assassination, or of being guillotined. I was shot at myself on the 18th of May, 1796, (Vaughan's affair) in company of several respectable inhabitants while in the actual exercise of magisterial duties, being then Alcalde of the Second Election. A negro was mortally shot near me, another was wounded, and a relation who stood close to me received a ball in the skirts of his coat. The perpetrators of these outrages were not arrested, owing to their immense numbers in the Colony, and the trifling force which the Spanish Government had for its protection. There existed in the Colony a considerable faction which overawed it. . . . The French were very numerous, and the then revolutionary principles of France were very strong among all classes and colours.”

The fate of Vaughan, whose rashness and passion were the cause of all this disorder, was a sad one. No sooner had calm reflection taken the place of anger than he perceived that he had committed a most improper and unjustifiable act, which might lead to very serious consequences, and so deeply did he feel the weight of the responsibility he had incurred, that his mind became affected and he shortly afterwards committed suicide.

When, a few months later, Spain, under French influence, declared war against Great Britain, many reasons were put forward by the Court of Madrid for the step; amongst them were the following: "that Captain-General Vaughan had behaved in a manner equally insolent and scandalous in the Island of Trinidad where he landed with drums beating and flags flying, to attack the French and to avenge the injuries he pretended to have received."*

That this was not the first visit of the kind which Vaughan had paid to Trinidad, is shewn by the following extract from a letter, written by Sir John Laforey, commanding the Naval Forces in the West Indies, to Evan Nepean, Esquire, Secretary to the Admiralty:†

" MARTINIQUE,

" 19th March, 1796.

" * * * The *La Pique* and the *Charon* have sent here a privateer brig of 14 guns and 90 men, taken to the windward of Barbados; and I have intelligence that Captain Vaughan in the *Alarm*, with one of the sloops of war, has taken and destroyed three privateers in the Gulf of Paria and re-taken four of their captures. Since my letter of the 17th January, a fourth ship, under Danish colours, has been taken, attempting to take French people from Havre de Grace into Guadeloupe."

* No detailed official account of the episode of the *Alarm* exists in the records of the Colony, although there are frequent allusions to it in the Minutes of the Cabildo and of the Council. The above narrative is chiefly taken from a "History of Trinidad by E. L. Joseph, published in 1837, in which it is stated that the details were furnished by Don Diego Meany himself.

The Main Street of Port-of-Spain (Frederick Street) in which took place the fight between the crew of the *Alarm* and the French, has ever since been known as "La Rue des Anglais."

† "State Papers concerning the War."—(Vol. III., part 2, 1796, page 36.)



CHAPTER II.

IN the foregoing Chapter it has been shewn, that the French element largely prevailed in Trinidad immediately before the declaration of war between Spain and Great Britain in 1796; but in order to understand clearly the social state of the Island it now becomes necessary to refer to events which at the same time were occurring, or had recently occurred, in the other West India Islands, and especially in those which then belonged to France.

Of these the wealthy Colony of St. Domingo was by far the most important. Only one-third of that Island was French, the remaining two-thirds being Spanish, but the former was beyond all comparison the more prosperous of the two.

In the year 1789 there were in French St. Domingo :—

| | |
|-------|----------------------------|
| 792 | Sugar Estates. |
| 2,810 | Coffee „ |
| 705 | Cotton „ |
| 3,097 | Indigo „ |
| 3 | Tanneries. |
| 173 | Distilleries. |
| 69 | Cacao Estates. |
| 313 | Limekilns. |
| 61 | Brickfields and Potteries. |

These establishments gave employment (counting domestics) to 455,000 slaves.

The exports of that year were :—

| | | | |
|-----------------|-----|----------|------------|
| Clayed Sugar | ... | ... lbs. | 47,516,531 |
| Muscovado Sugar | ... | ... | 93,573,309 |
| Coffee | ... | ... | 76,835,219 |
| Cotton | ... | ... | 7,001,274 |
| Indigo | ... | ... | 758,628 |
| Molasses | ... | ... | 25,749 |
| Dye Woods | ... | ... | 6,768,634 |

The money value of these Exports amounted to £6,720,000, and the Imports for the same year closely approached £10,000,000.

The year 1789 forms an epoch in the history, not only of St. Domingo, but also of Trinidad. That year saw the commencement of the disasters which brought about the final ruin of the former Colony, and that influx of foreign settlers into the latter which laid the foundation of its subsequent prosperity. This alone would be a reason for entering at some length into the history of a Colony, which less than a hundred years ago, was the most magnificent in the West Indies, but another and a still stronger one exists in the fact, that the events which occurred in St. Domingo at the end of the last century largely affected for many years the policy of the Governments of the other West Indian Colonies towards the coloured people and the slaves.

In order to fully understand what is commonly, but very incorrectly, termed the Revolt of St. Domingo, it is necessary to sketch as briefly as possible the history of that Colony from its earliest days.

By virtue of the famous Bull of Pope Alexander VI., of May, 1493, the Crown of Spain claimed absolute dominion and sovereignty over the Continents, Islands, and Seas lying to the Westward of an imaginary line drawn between the North and South Poles,—a claim which for many years, was not disputed. As time wore on other nations began to perceive the advantages of possessing Colonies in the New World. Jacques Cartier had already found his way to Canada, (1534), and English, French, and Dutch settlers were beginning to locate themselves in the lesser Antilles to which the Spaniards appear to have attached but little value as compared with the gold producing countries of the American Continent.

These settlers were constantly subjected to considerable annoyance from the Spanish cruizers in the Carribbean Sea, and early in the 17th century the English and French Governments began to send out armed vessels to protect their respective settlements and make reprisals on the commerce of Spain.

In the year 1625 one of these armed traders, commanded by D'Enambuc, a Cadet of the house of Vaudroques-Diel, a noble family of Normandy, was cruizing in the Western seas, and his vessel, having suffered severely in an engagement with a Spaniard of superior strength, took shelter at an Island since known as St. Kitts. Being much struck with its fertility, D'Enambuc decided upon establishing thereon a settlement, to which plan his companions agreed. By a somewhat curious coincidence a similar idea had about the same time occurred to a band of English adventurers, who under a leader named Warner, (a name destined to become of note in the British West Indies), had taken possession of the opposite side of the Island to that which D'Enambuc and his followers had chosen. At first, a dread of their common enemy, the Caribs, compelled these representatives of two rival nations to unite for mutual protection, so that for some time matters went on pleasantly enough. D'Enambuc, however, soon saw that such an arrangement could not be permanent, and he took the first favourable opportunity of leaving his young Colony in order to proceed to France where he laid the whole matter before Cardinal Richelieu. That great Statesman, ever on the alert to extend the political and commercial influence of France, at once brought all his energy and talent to bear upon the question, and in October, 1628, he founded the French West India Company, under the title of the "Association des Seigneurs de la Compagnie des Iles d'Amérique."

This Company was formed of shareholders, the Cardinal himself investing large sums in the enterprise, and its avowed object was to found and extend French settlements in the West Indies. Every settler embarking for those Colonies received a free passage, in return for which he bound himself to work for three years for the benefit of the Company. These settlers were known as "*engagés*," and their descendants have exercised a very considerable influence in the affairs of the French West Indies.

The formation of this Company seemed to promise prosperity to the young French settlement at St. Kitts. The Spanish Government, however, took alarm at the policy of Richelieu, and in 1630, orders were given to Don Frederick de Toledo, then on his way to the Brazils in command of a fleet, to destroy the combined Colony established by the French and English.

The Spanish Admiral carried out these orders so effectually that the few settlers who escaped death or imprisonment were obliged to seek safety in flight. They made their way to the small Island of Tortuga, which lies to the North-west of St. Domingo, where they found a few Dutch and Spaniards already established.

In course of time the settlers in Tortuga became divided into three distinct categories or classes; those who devoted themselves entirely to the tilling of the soil were called "*habitans*," or planters; others took to the sea in boats of a peculiar build of their own construction, which were manned by crews of from fifteen to thirty men; in these they sallied forth from their Island home much in the same way, (certainly for the same purpose) as the Malay and Chinese pirates of our own days. Their object was to attack the Spanish merchant vessels going to and from Cuba, Mexico or other parts of South America. Their boats were exceedingly light and swift, and in the Lingua Franca of the Islands, were called "*Freibote*" or "*Fleibote*," and their crews, "*Freiboters*,"—a name which has been modernized into "*Filibuster*."

A third section of the community carried on the more peaceable occupation of hunting the wild cattle in the opposite Island of St. Domingo. They had a peculiar way of preserving the flesh of the animals they killed, placing it upon a framework of sticks over a slow fire of aromatic plants kept burning until the flesh was cured. This contrivance was called a "*boucan*," and is still used in exactly the same way both in Trinidad and on the Mainland. From this practice the hunters received the name of "*Boucaniers*,"—an appellation which is more familiar to most readers in connexion with a widely different class of men,—the Buccaneers.

In 1640 the French, being considerably in the majority, became sole masters of Tortuga,—the English retiring to Jamaica—and twenty-

four years later the Island was definitively declared a French Colony under the control of the French West India Company. Troops were at once sent out and a Governor (D'Angeron) appointed. From that time not only Tortuga but the Western portion of St. Domingo began to enjoy a rapidly increasing prosperity.

Amongst other means adopted by D'Angeron to render the settlers more contented with their position was the importation from France of a number of women who were allotted to the Colonists as wives. These women were taken from the dregs of the population of Paris and other large cities and were accepted by their future husbands on a clear understanding that so long as they proved faithful to their new engagements no questions would be asked as to their past lives.

Under the energetic rule of D'Angeron the Colony made rapid progress and continued to do so under his successors. In 1697 the Spanish Government formally ceded to the Crown of France that portion of the Island of St. Domingo which had been for years occupied by the settlers of Tortuga. The boundaries between the French and Spanish territories were not, however, actually defined until eighty years later, when the limits agreed upon between Don José Solano y Bote and Comte Ennery, the respective Spanish and French Governors, were ratified by a treaty signed at Aranjuez on June 3rd, 1777.

The statistics quoted at the commencement of this Chapter prove to what a degree of material prosperity the Colony had arrived at the commencement of the French Revolution. It now remains to show how its population was composed, so as to understand how the social condition of St. Domingo was affected by the events which were taking place in France.

In 1789 the Population of the Colony consisted of :

| | |
|---------------|-------------|
| Whites ... | ... 40,000 |
| Free Coloured | ... 60,000 |
| Slaves ... | ... 500,000 |
| | <hr/> |
| | 600,000 |

According to the Colonial system the white minority was the dominant class, but it contained within itself many elements of discord.

When the French West India Company commenced its operations the prejudice of colour was unknown in the West Indies. The first settlers, themselves accustomed to the severest toil, saw little or no difference between the white "*engagé*" and the negro slave, and, if old historians are to be believed, treated both with equal severity and even cruelty. The *engagé*, however, had this advantage over the negro; when his term of service expired he became merged into the general white population whilst the less fortunate African either remained a slave for life, or if he succeeded in obtaining his liberty, still bore upon his features the indelible proof that he, or his parents had once known the bonds of slavery.

The employment of European *engagés* was finally discontinued when it was found cheaper and more advantageous to import slaves from Africa; but they and their descendants continued to form a large class in the French Colonies, occupying the numerous inferior positions for which they were suited, as tailors, barbers, inn-keepers, and small shopkeepers.

The great landed proprietors who formed the aristocracy of St. Domingo were in a certain sense enormously wealthy, but they were at the same time overwhelmed with debts. If the French writers are to be believed, the debts of the planters were estimated at two whole years' produce of their estates, and this state of things had existed for years.*

Nor is this to be wondered at if we remember the well-known attributes of the "*Seigneurs de St. Domingue*." Hospitality the most profuse, expenditure the most reckless, characterized these men, who in that distant Colony of France imitated, and sometimes even surpassed, the extravagances of that *noblesse* with which many of them were, and all claimed to be, closely connected by ties of blood. Unfortunately they were imbued with the same prejudices which distinguished that *noblesse*, and by them the "*petits blancs*," as they were contemptuously called, were treated only a degree better than the slaves and people of colour, and the day was near at hand when all three would in turn take their revenge.

* Laborie; Malouet; Memoires sur les Colonies,

Long before the first rumours of the Revolution reached St. Domingo a variety of causes had rendered all classes in the Colony dissatisfied with the system under which it was governed.

The planters, proud of their wealth and position and absolute masters, even in matters of life and death, upon their estates, could ill brook the restrictions imposed upon their commerce by the Home Government, and still less their exclusion from all political offices in the Colony. They, however, resented the system only so far as it affected themselves. They still believed it admirably suited to the *petits blancs*, the slaves, and the people of colour, and were irritated beyond measure by the efforts which were then being made in France by certain philanthropists to ameliorate the condition of the slaves and to do away with the social and political distinctions between the white and coloured inhabitants of the Colonies.

The free people of colour saw with joy that the liberal ideas which were daily gaining ground in Europe must eventually affect the Colonies, and as many of the more wealthy amongst them had visited the Mother Country, they were aware that there a feeling of sympathy for them as a class was very generally felt.

The *petits blancs* were if possible, more inclined than the free people of colour to take advantage of the current of popular feeling. Originally composed of the descendants of the *engagés*, and as such accustomed to occupy a very inferior position in the Colony, their number had for some years previous to the commencement of the Revolution been augmented by the arrival of adventurers of almost every European nation, who brought with them ideas and pretensions, which however just in themselves, were utterly at variance with the theory of the Colonial system.

The news of the convocation of the States General was therefore received with the greatest satisfaction by all classes in St. Domingo. In each of the three Provinces public Meetings were called, electors were chosen and deputies named, who were to lay before the States General the grievances of the Colony.

It must be mentioned that these deputies—eighteen in number—all belonged to, and were elected by, the dominant class, and that they took upon themselves to depart for France as Representatives of the

Colony, not only without the permission, but in spite of the expressed disapproval, of the Governor.

These self-constituted deputies arrived at Versailles towards the end of June, 1789, and took part in the famous Meeting known as the "Séance du jeu de paume." In the excitement of that Meeting their claim to be admitted as Deputies was enthusiastically received and allowed without a moment's reflection. When, however, the National Assembly had settled down to its work the number of Deputies from St. Domingo appeared to be out of all proportion to the extent and commercial importance of that Colony, and on the 3rd July, 1789, the question was fully discussed and only six of them were accepted.

They had arrived in France at a moment when there was a very strong feeling prevailing in certain quarters against the West Indian planters on account of their being slave-owners, a feeling augmented by the fact that for some years past a very considerable number of coloured persons had resided in the French Capital and had proved by their conduct that in every way they could bear comparison with those who assumed superiority over them as a matter of course.

It need scarcely be mentioned that these persons took the liveliest interest in all that concerned the Colonies, and they were naturally most indignant when they learned that their whole class was purposely excluded from any participation in the election of the Colonial Deputies.

The "Société des Amis des Noirs"* warmly espoused their cause, and as many members of that Association were also members of the National Assembly, the coloured people of St. Domingo soon found out that in that body there was a large party fully prepared to advocate their interests and redress their wrongs.

As soon, therefore, as they perceived that the white colonists although eager enough to adopt the principles of the Revolution so far as they were profitable to themselves were determined to retain their own ascendancy, the free people of colour, in October, 1789, sent a deputation to the National Assembly, bearing a gift to the Nation of *six million francs*, accompanied by an address in which

* An Association recently formed upon the same lines as the English Anti-Slavery Association.

their grievances were fully set forth. The answer of the President of the Assembly when the address was read, was short but significant:

"It will not be in vain that any portion of the nation shall demand to be heard in respect to its rights."

In the National Assembly the cause of the planters was warmly supported by Barnave, the two Lameths, Moreau de St. Méry, and their immediate followers. Through their influence instructions were sent to the Governor of St. Domingo to convoke the inhabitants and form a Colonial Assembly. These orders from some cause were delayed, and when they eventually reached the Colony had been already anticipated, the inhabitants of the Northern Province having formed a Provincial Assembly which met at Cap Français,* their example being followed by the Western and Southern Provinces, whose Assemblies met respectively at Port-au-Prince and Les Cayes.

From these Assemblies the free people of colour were rigidly excluded. That of the North even went so far as to hang a man named Lacombe for having dared to petition that body to recognize the coloured people as citizens. This and other violent and despotic acts caused great alarm and excitement, and large armed bodies of coloured people began to appear in different parts of the Colony, but as they had not as yet any kind of organization, they were not looked upon as dangerous. Indeed, no great animosity was shewn to *them* by the white planters who reserved all their rage for those of their own class who sympathized with the coloured people. An instance of this was their treatment of M. Ferrand de Baudières a Magistrate of long standing. He had drawn up a memorial on behalf of the people of colour in which they claimed in express terms the full benefits of the "Declaration of the Rights of Man," issued by the National Assembly in August, 1789. This was looked upon as a direct incitement to revolt and M. Ferrand was arrested and committed to prison. So intense was the irritation against him that he was torn from the custody of his guards and put to death without even the form of a trial.

These acts of violence were all instigated by the Assembly of the

* Now called "Cap Haitien,"

North which was entirely composed of planters of wealth and influence, but the two other Assemblies refused to sanction in any way a line of action which could only bring discredit upon their common cause.

After much discussion it was finally agreed that there should be a General Assembly, which from its place of meeting became known as the Assembly of St. Mark. This Assembly was convoked for the first time on the 15th of April, 1790, under the presidency of a wealthy planter, Bacon de la Chevalerie.





CHAPTER III.

WHEN the murder of Ferrand de Baudières and the other acts of violence perpetrated by the dominant party in St. Domingo became known in France the greatest anxiety was felt, more especially in those towns that had commercial relations with the Colony, and the matter was speedily brought under the notice of the Government. On the 8th of March, 1790, the National Assembly passed a Decree dealing with Colonial affairs generally. The most important portion of it was a declaration that it had never been intended to comprehend the internal Government of the Colonies in the Constitution which had been framed for the Mother Country, nor to subject them to Laws which were incompatible with their local establishments; that on the contrary it was intended that the inhabitants of each Colony should make known to the National Assembly their sentiments and wishes concerning that plan of internal legislation and commercial management which they considered would prove most conducive to their prosperity. It was further decreed "That the National Assembly would not make any innovation, directly or indirectly, in any system of commerce in which the Colonies were already concerned."

This Decree became known non-officially in St. Domingo towards the end of April, and the action which was at once taken by the Assembly of St. Mark proves the spirit in which it was interpreted by the Colonial party.* De Peynier, the Governor of the Colony, found himself placed in a most difficult position. Having no official intimation that the General Assembly had no legal existence, he could not declare its

* It is difficult beyond conception to designate with any clearness the different parties of that epoch in the West Indian Colonies. It should, however, be generally understood that the words "Colonial Party, or "the Planters," refer as a rule to that party in any Colony which desired *quand même* to support and uphold, at any risk, the old Colonial régime.

acts to be illegal. He therefore determined to assume as conciliatory an attitude as possible and to wait upon events.

It would have been well for St. Domingo if the members of the Assembly of St. Mark had been equally moderate. Unfortunately, blind to everything except what they erroneously believed to be their own interests, they interpreted the Decree of the 8th of March in a manner as absurd as it was dangerous.

Adopting the principle of the "Sovereignty of the people," they first declared themselves to be the representatives of St. Domingo and then proceeded to assume all the powers of the Executive. They forgot entirely that the "Sovereignty of the people," if it meant anything at all, meant the Sovereignty of the whole nation over its component parts, not of the people of each Province over its own limits. They took upon themselves the whole administration of the Colony and pushed their pretensions so far as to summon the Royal Intendant to appear before them to render an account of the manner in which he had dealt with the Revenues of the Colony during his term of office. They did not even submit their Decrees to the Governor for his approbation, but contented themselves with requesting him to carry them into effect.

The Governor, of course, refused to recognize their authority and peremptorily forbade their interfering with the Intendant over whom they had no jurisdiction. At the same time he stated that if complaints were formulated against that Officer, he (the Governor) would enquire into them.

In order to put a stop to these absurd pretensions De Peynier decided to convoke the primary Assemblies in order that by their vote it should be decided whether or not the Assembly of St. Mark was to be continued or dissolved. There can be no doubt that the latter would have been the result had it not been for the claim made by the free people of colour to vote in these primary Assemblies. The demon of caste prejudice was at once evoked, and rather than admit a man of colour to the privileges of a free citizen the whites of all parties forgot their differences, their political opinions and their patriotism and at once voted for the continuance of the Assembly of St. Mark as it then existed. The Governor, under these circum-

stances, was obliged, although most unwillingly, to declare that body to be the General Assembly of the Colony.

The Decree of the 8th of March had given very great dissatisfaction in France to those who believed that the best thing to be done for the Colonies was to emancipate the slaves and remove the disabilities of the coloured people. It was most vehemently attacked by the *Amis des Noirs*, by whom the declaration concerning Colonial commerce was interpreted, probably with reason, as a tacit sanction of the continuance of the Slave Trade, and a fierce agitation at once commenced, with the ultimate result of the loss to France of St. Domingo, and of immense injury to all the other Colonies in the West Indies.

The National Assembly eventually issued another Decree, declaring that "all persons having attained the age of twenty-five years and being proprietors, or having lived in the Colony and paid taxes for two consecutive years, should be entitled to meet for the purpose of electing and forming a Colonial Assembly." Any one would have supposed these words to be clear enough, and as intended to establish a perfect political equality between the white colonists and the free people of colour; but words had not the same meaning in St. Domingo as in Paris, and the whites in the Colony contended that by law people of colour were not *persons*, and that as they were not specially named in the Decree, they were in no way affected by it.

Public feeling now ran so high in St. Domingo that the Governor determined to use the force at his command to overawe the Assembly of St. Mark. In this line of action he was firmly supported by the Chevalier Duplessis de Mauduit, a fervent Royalist, and Colonel of the Regiment of Port-au-Prince.

De Mauduit belonged to an old Breton family and had all the qualities, good and bad, of his class and race. He had gained military distinction in the American War of Independence, and at the convocation of the States General became an active member of the *Club Massiac*.* He had but recently arrived in the Colony from Italy, where he had formed part of the suite of the Comte d'Artois, and was

* This was a Club composed entirely of West Indian Planters and those connected with them, and took its name from the *Hôtel* where its Meetings were held. Its most influential members were Charles Lameth and Barnave, the former having large estates in St. Domingo.

ready to aid in every way to bring about a counter-revolution. Severe in matters of discipline, he was most indulgent to his men when off duty, and especially encouraged in them a feeling of contempt for all who did not wear uniform. Of charming manners, and possessing ample means, he soon became the recognized chief of the Royalists in Port-au-Prince, who were now known as the "*Pompons blancs*," or "*White cockades*," in contradistinction to the colonists, who were called the "*Pompons rouges*," or, "*Red cockades*."

The Governor was master of the situation on land, but the harbours were filled with vessels, the crews of which, with rare exceptions, happened to be Republicans of the most advanced type. There was but one vessel of war on the station, the *Léopard*, commanded by the Marquis de la Galissonnière. The crew, under some secret influence, suddenly declared in favour of the Assembly of St. Mark, and the Captain and those officers who sided with him were compelled to take refuge on shore. The General Assembly officially approved this gross act of mutiny, and the *Léopard* was at once taken round to the Port of St. Mark, and placed at the disposal of the *Pompons rouges*.

De Peynier now saw that the moment for decisive action had arrived and issued a Proclamation in which he declared the Assembly of St. Mark, and all who adhered to it, traitors to the Nation and called upon all good citizens to take up arms against them.

A short time before this an incident had occurred which later on bore evil fruit. During the night of the 29th July, 1790, a strong body of the *Pompons rouges*, patrolling in the neighbourhood of St. Mark, surprised and disarmed a small detachment of the Regiment of Port-au-Prince. One of the latter escaped and carried the news to de Mauduit, who immediately placed himself at the head of a portion of his Regiment and marched to the Assembly House, in front of which he found drawn up a number of the National Guards. He called upon them to lay down their arms, and was answered by a discharge of musketry by which several of his party were killed or wounded. De Mauduit's men at once rushed on the aggressors and soon dispersed them with considerable bloodshed and loss of life. De Mauduit then seized the colours of the National Guard and all the arms he could find, and placed them in his own quarters as a proof of his victory.

The General Assembly exasperated by this bold stroke declared, that by virtue of its supreme authority de Peynier was suspended from his functions as Governor, and M. de Fierville, the Lieutenant-Governor of Les Cayes, was named as his successor. The Assembly then appealed to its partizans in the following Proclamation :—

“In the name of the Nation, the Law, and the King ; and of French St. Domingo in danger !

“Union, strength, speed, and courage.

“The infamous Peynier and the execrable Mauduit have accomplished their diabolical projects : they have imbrued their hands in the blood of our citizens. To arms ! !”

The Governor upon this despatched strong bodies of troops under Colonels Vincent and de Mauduit, with orders to dissolve the Assembly within twenty-four hours. In this they must have succeeded, possibly at the cost of a considerable amount of bloodshed, but at the last moment the members of the Assembly took the extraordinary resolution of departing for France to lay their grievances before the Representatives of the Nation. Eighty-five of the members, ninety soldiers of the Regiment of Port-au-Prince who had abandoned their colours, and several inferior officials left in the *Léopard* on the 7th of August, 1790. Before the vessel left St. Domingo the Assembly issued a Proclamation in which was stated the reasons for the step that had been taken, and which declared that the Assembly had not resigned, but had simply sent a deputation to vindicate its conduct at the bar of the Nation.

The triumph of the Government was for the moment complete. It will scarcely be believed that almost the first act which it performed after its restoration to the untrammelled action of its functions, was one of ingratitude, and at the same time of gross stupidity !

The free people of colour had warmly supported de Peynier in his contest with the Assembly, and they now asked permission to wear the white cockade, as a proof that they belonged to the Royalist party. This request they preferred to de Mauduit, and by him they were informed that as descendants of slaves they could not expect ever to be admitted to an equality with their former masters, and that if they

wished for a distinguishing emblem they must content themselves with a *yellow cockade*! The coloured people now saw that on one point the whites of all parties and politics were agreed;—happen what might, *they* were to be kept in their state of degradation; from that moment they determined to take no further part in the quarrels of others, but to watch for the first opportunity to benefit themselves.

In the meantime the *Léopard* was crossing the Atlantic on its way to France, where the members of the General Assembly fully expected to be received as victims who had suffered under an odious tyranny. Nor at first were they disappointed. The *Moniteur* of the 29th September, 1790, published a letter written from Brest, where the *Léopard* had arrived a few days before, in which the writer (evidently one of the Colonial Deputies) depicted in glowing terms the enthusiastic reception given to himself and his colleagues by the inhabitants of that town. It was not long, however, before they found that their conduct was far from meeting with general approval.

The National Assembly had been informed of what had occurred in St. Domingo, and was not at all prepared to accord to them, without further enquiry, so cordial a reception as they had received on the day of their arrival in France. Complaints had been made by the Minister of Marine, La Luzerne, that his Despatches to the Governor of St. Domingo had been intercepted and tampered with by the Assembly of St. Mark, and a deputation from Port-au-Prince, complaining of other acts of that Assembly, had been heard at the Bar of the House. The result was an order that their address should be printed—that the members of the General Assembly should be heard in reply on the following Saturday—and that then the whole question should be referred to the Colonial Committee.

Of that Committee Barnave was Chairman, and on the 11th of October he brought up the Report. In it all the events which had occurred in St. Domingo since the opening of the States General were minutely detailed, and after censuring the line of conduct pursued by the General Assembly, the Committee recommended, “that all the Decrees and Acts of that Assembly should be reversed and pronounced utterly null and of no effect; that the said Assembly should be declared dissolved and its members rendered ineligible and incapable

of being delegated in future to the Colonial Assembly of St. Domingo.
 ; that the King should be requested to give orders for forming a new Colonial Assembly on the principles of the Decree of the 8th of March, 1790 ; and, finally, that the *çi-devant* members then in France should remain in a state of open arrest until the National Assembly could find time to signify its pleasure concerning them."

This Report was confirmed, and its proposals were embodied in a Decree dated the 12th October, to which Brissot referred, when in December, 1791, speaking upon the troubles in St. Domingo, he exclaimed : " In your Decree of October you sacrificed the Assembly of St. Mark to satisfy the petty spite of individuals, and the free people of colour to please the Assembly of St. Mark.*

It is now necessary to relate an episode in the history of St. Domingo which had considerable influence on the immediate future of the Colony.

Amongst the persons of colour residing in Paris, where he had been sent to complete his education, was a young man named Vincent Ogé, the son of a wealthy proprietor of the Parish of Dondon, in the Northern Province. Ardently attached to his native land, he fondly believed in the possibility of uniting all those belonging to it in one party working together for the common good. He had even on one occasion obtained admission into the *Club Massiac*, where he urged his views upon the Colonial Deputies and their friends with all the eloquence he possessed. That what he urged was the truth they could not deny, but he belonged to the despised and degraded class, and from his lips not even the truth could be accepted.

Disgusted, as well he might be, with this treatment, he resolved to act for himself, but for a while consented to follow the advice of some of the older men of his own class, who yet hoped that as a natural result of the new ideas prevailing in the Mother Country, an amelioration of their position might be obtained without violence. When, however, the manner in which the Decree of the 28th of March, 1790, was interpreted in St. Domingo, became known in Paris,

* *Moniteur*, December, 1791.

Ogé determined to return to his native land. This he found to be no easy matter to effect. The Colonial party had no difficulty in obtaining from the Minister of Marine, under a specious pretext of a possible disturbance, an order that no man of colour should be allowed to leave France for St. Domingo. The order was promptly annulled by the National Assembly, but this did not prevent the Colonial party from carrying out their plans. They had sufficient influence with the masters of vessels trading to the Colonies to prevent Ogé, or any one else, obtaining a passage, and it was only by passing over to England under the name of Poissac, and furnished with letters for Clarkson, Wilberforce, and other heads of the Anti-Slavery Society, that Ogé was enabled to reach his native land on the 23rd October, 1790. The very next day it was known that he had arrived, and orders for his arrest were at once issued by the Government. Already, many of the leading men of colour had met him, amongst whom was Jean Baptiste Chavannes, a man of considerable property, who advocated an immediate rising of the coloured population and an appeal to the slaves to unite with them to avenge their common wrongs. To this Ogé was strongly opposed; he had no intention of disturbing the Colonial system so far as regarded the relations between those who were free and those who were slaves. His desire was to ensure for those of mixed blood, like himself, the full enjoyment of a freedom which had hitherto existed but in name.

There was no time to be lost in discussing the question. The Government was taking action, and it was necessary to be prepared. About two hundred and fifty coloured men therefore took up arms, and placed Ogé at their head, with Chavannes as his Lieutenant.

Ogé immediately addressed a letter to the Assembly of Cap Français, couched in the following terms:—

“ GENTLEMEN,

“ A prejudice, but too long entertained, is on the eve of ceasing to exist. I have a duty to perform which confers upon me an honour, as I cannot but feel; I have to call upon you to promulgate the Decree of the National Assembly of the 8th of March, so that it may be known throughout the Colony, as it confers upon all citizens without distinction the right of being admitted to all public posts and employments; I ask but justice, and I trust it will be meted out.

"I have no intention of exciting the slaves to revolt ; such a step would be beneath me.

"Before taking extreme measures I wish to try conciliation ; but if, contrary to my expectation, you do not accede to my present request, I will not be responsible for the disorder that may result from the justifiable vengeance I shall wreak upon you ; and I and my followers, who are determined to shed even the last drop of our blood, will retire upon Léogane, and we shall oppose force by force."*

On the receipt of this and other letters an armed force of eight hundred men was despatched against Ogé. In their first encounter the coloured people, who now mustered in great strength, were entirely successful, and Colonel Vincent who commanded the troops, barely escaped with his life.

The Government now became seriously alarmed. A reward was offered for the capture of Ogé, dead or alive, and a strong force numbering nearly three thousand men was sent against him under Cambefort, the Colonel of the Regiment of Cap Français. Ogé, unable to cope with a force so much superior both in numbers and discipline, withdrew from point to point, finally seeking refuge in the Spanish territory.

In the meantime a change had taken place in the Government of the Colony. On the 8th November, de Peynier, whose health, already enfeebled, had entirely given way under his secret anxieties, left for France, and was succeeded by M. de Blanchelande, a Royalist of moderate views upon whom Louis XVI. had just conferred the Cross of St. Louis.

* From this letter it is evident that his plans were not in any way connected with the emancipation of the slaves ; the day was yet far distant when the free people of colour were to make common cause with the negro, and they were at that time as much opposed to emancipation as the white planters themselves. The eloquent author of the "*Histoire des Girondins*" was in error when he wrote of Ogé :—

"He came to Europe with the idea of defending the mulattos only, but when there he became the champion of the more holy cause of the negro slaves."—Lamartine : *Hist. des Girondins*.



CHAPTER IV.

THE Decree of the National Assembly of the 12th October, 1790, by which the General Assembly of St. Mark was dissolved and its acts annulled, was not known in St. Domingo until the end of December. The Government party was of course highly elated on the receipt of the intelligence, whilst the adherents of the defeated Assembly were proportionately cast down.

The very same day that the news of this Decree arrived, the Spanish authorities delivered Ogé and his principal adherents to the French, in spite of the protest of Don Vicente Faura, the Assessor of the Spanish Governor, who declared such a proceeding to be utterly contrary to law.

Ogé and Chavannes were put upon their trial at the commencement of 1791, and, as may well be supposed, their condemnation was a foregone conclusion. They were not even allowed to employ Counsel for their defence, and were scarcely heard in their own behalf. They were convicted of the crime of armed rebellion and sentenced to be broken upon the wheel. This horrible punishment was carried out on the 23rd February, 1791. The head of Ogé was exposed in the village of Dondon, where he was born, and that of Chavannes on the highway of the district of Grande Rivière. A few days later two of Ogé's followers suffered the same death; twenty-one were hanged, and thirteen sentenced to imprisonment for life.

The popular movement in St. Domingo now assumed a far more revolutionary aspect than had been previously the case. An Italian adventurer named Pralato and a French woman, a Provençal, known as Mme. Martin, headed the white mob in Port-au-Prince. The latter played in St. Domingo very much the same part as did Théroigne de

Mericourt in Paris. She was constantly to be seen about the streets and at all public gatherings, armed with a cavalry sabre, and with at least two pairs of pistols thrust into her waistband, wearing a hat ornamented with long red plumes, her black hair floating over her half-naked shoulders, and in this guise haranguing the people and exciting them against the aristocrats, and especially against de Mauduit, for whom, for some reason or another, she seems to have entertained a deadly hatred.

Her great object was to seduce the troops from their allegiance, and to this end all her efforts were directed. The soldiers were induced to believe that they were systematically kept in the dark as to the course of events in France, and copies of an imaginary Decree of the National Assembly, condemning the conduct of de Peynier and de Mauduit, and ordering the restoration of the colours seized by the latter, were freely distributed amongst them, and although at first but little impression was made, yet after a while, slowly, but none the less surely, the poison did its work.

In March, 1791, vessels carrying the national colours* were signalled off the Island. De Blanchelande, from his private correspondence, was aware that these vessels had on board a strong detachment of troops deeply imbued with the most ultra-revolutionary principles. Not wishing that they should at that moment land at Port-au-Prince, he sent an order to the Commodore to disembark the military at St. Nicholas,† and then to proceed to Cap Français with his vessels.

Either this order was not received, or, what is more probable, it was disregarded, and on the 21st March, the transports dropped anchor in the harbour of Port-au-Prince. De Blanchelande went on board the vessels and announced to the troops that until further orders they would be kept in garrison at St. Nicholas. To this they replied by loud and insubordinate murmurs, and insisted upon being landed at once. In vain did the Governor endeavour to recall them to a sense of what they owed to his authority. In spite of all he could urge, and in defiance of his orders, the newly-arrived troops

* These were *Le Fouguez*, *Le Borée*, *La Prudence* and *L'Uraïne*.

† A Fort at some distance from Port-au-Prince,

were landed the next morning. They at once fraternized with the popular party, and under the influence of the new comers, de Mauduit's soldiers were easily seduced from their allegiance to their Colonel.

It was now very evident that de Mauduit's life was in danger. His friends urged him to leave Port-au-Prince whilst there was yet time to do so. They urged in vain; true to his race and to his principles, the brave Breton noble made but one reply—"This is my post and here I remain." Early the next morning—the last of his life—two soldiers of his regiment forced their way into his house and overwhelmed him with reproaches. They declared that he had deceived them with regard to the true state of affairs in France, and called upon him to accompany them to their newly-arrived comrades of the Regiments of "Artois" and "Normandy" to explain his conduct.

De Mauduit, who felt how much was at stake, bore with their insolence and used every argument to prove to them how utterly they were mistaken. It was useless. He then took them to the Governor, who in his turn pointed out to them that they had been misled. Even this was of no avail, and then de Mauduit determined, at no matter what risk to himself, to appeal to the misguided soldiers and make a last effort to recall them to a sense of their duty. He was met by outrages and insults of every description, and overwhelmed by numbers, was carried back a prisoner to his house, which was pillaged before his eyes by the men of his own regiment. He was then dragged to the barracks by an infuriated and drunken rabble along with two of his officers, M.M. Germain and Castres.

The colours taken by de Mauduit from the National Guard of St. Mark, and which had been found in his house, were now brought forward. Some members of the General Assembly who, to their disgrace, were assisting in the outrage, demanded that de Mauduit should be compelled to restore these *upon his knees*, but to this humiliation he flatly refused to submit, and the refusal was the signal for his death. He was hurried to the Assembly House from which the colours had been taken, and on his again indignantly refusing to kneel before his murderers, he was seized by a hundred hands—his cross and epaulettes were torn off—some of his old soldiers tried to

save him, a sergeant of his regiment even receiving upon his own head a sabre cut which would at once have terminated the sufferings of his Colonel, but in a few moments all was over, and Duplessis de Mauduit had lived his life. The human tigers who had done him to death still found a barbarous pleasure in mutilating the body of him whom they had been taught to regard as an enemy; urged on by Mme. Martin, they committed every conceivable outrage upon the senseless corpse, which they decapitated, and then carried the head in triumph upon a pike through the streets of the town.

The partizans of the General Assembly were now for the moment masters of the situation. All those who were opposed to them had to take refuge in flight. The next day a *Te Deum* was sung, and in the evening a grand Ball was given, at which the most honoured guest was the female fury who had led the assassins on the previous day.

“From that day the central power lost ground daily in St. Domingo. The military sided entirely with the white faction. The Governor was forced to leave Port-au-Prince and to wander from one town to another, the mere phantom of a power which no longer existed. The Creoles* governed themselves.”†

It is recorded by one of the historians of St. Domingo that the mutilated corpse of the brave de Mauduit, a French noble and a Chevalier of St. Louis, was left exposed to the elements and to the beasts and birds of prey in the streets of Port-au-Prince. The devotion of a negro slave saved his remains from this last outrage. He buried the corpse of his beloved master as near as he could to consecrated ground, and then, overcome with grief and despair, blew out his brains upon the grave.‡

De Mauduit was murdered in March, and the news reached the National Assembly on the 25th April, 1791. It was communicated in a Despatch from the Colonial Minister, and was received with consternation, all parties feeling that such an event pointed to serious trouble in the future.

* M. Louis Blanc evidently makes a confusion here. The revolutionary party was probably the least Creole of all.

† Hist. de la Rév. Française; Louis Blanc, vol. vi., chap. 10, page 60.

‡ Hist. d'Haiti. Thos. Madion fils, vol. i., p.p. 64-65.

That such should have been the case was to be expected, for it was not merely an abstract question of philanthropy or of the dissemination throughout the world of the doctrines contained in the "Declaration of the Rights of Man" which now concerned the Assembly. There were many persons in France closely connected with the Colonies to whom the prosperity or decline of the latter meant wealth or ruin, and the figures quoted at the commencement of Chapter II. will furnish some notion of the gravity of the interests at stake. All the great commercial houses having dealings with the West Indies were in a state of the greatest anxiety, and to calm their very natural fears the different questions affecting the Colonies were referred to the Standing Committee entrusted with the preparation of the new Constitution, combined for this purpose with that of Agriculture, Commerce, and Marine.

On the 7th May, the Report of this Committee was laid before the Assembly, and after a discussion which occupied several Meetings, the following Decree was issued on the 15th of the same month :—

"The Legislative Assembly will not take into consideration the political status of persons of colour not born of free parents except upon the request, free and uncontrolled, of the Colonists.

"The existing Colonial Assemblies will remain as at present constituted ; but persons of colour, born of free parents, will be eligible for all future Assemblies provided they possess the necessary qualifications."

The news of the passing of this Decree reached St. Domingo on the 30th of June, and caused the greatest excitement amongst the whites of all classes. The planters did not hesitate to express their desire to declare themselves independent of France, and the "*petits blancs*," forgetting for a moment their grievances, united with them against those whom they regarded as their common enemies,—the people of colour.

The Governor, alarmed at the intensity of the feeling which had been aroused, at once communicated his fears to the Minister of Marine in the following Despatch which was read in the National Assembly on the 22nd of the following August :—

"The Decrees of the 13th and 15th of May, which admit the coloured people to political rights, were received here on the———"

"I would that I could leave you in ignorance of the sensation they have occasioned and of the rapidity with which the alarm they have caused has spread in all directions. The white party contend that unless the Government maintains the coloured people in an intermediate position between themselves and the slaves, the Colony cannot be saved from anarchy and revolt.

"The whites have three grounds of discontent caused by the Decree of the 15th May :

1. Their pride is deeply wounded.
2. They dread a servile revolt.
3. They are alarmed and indignant at what they consider a deliberate breach of faith with them on the part of the National Assembly.

"A terrible civil war may result from this state of feeling ; the first part of the Decree concerning the free blacks and people of colour is far from re-assuring. It is felt here that it may be revoked in the same manner as it has itself superseded that which preceded it. Confidence in the National Assembly is all but destroyed, nor are matters mended by the knowledge that an English fleet of forty-five sail is about to put to sea ; with what object has not yet transpired.

"To-morrow the Colonial Assembly will meet to decide upon its line of action.

"Reflect upon the position in which I am placed ! I have no right to criticize the Decree—my duty is to enforce it : yet I would rather lose my own life than shed one drop of the blood of my fellow citizens. The people of colour claim that the Decree throws open to them all public appointments ; yet, to place men, many of whom have near relations who are slaves, on an equal footing with those who until now have been deemed the only citizens in the Colony, must upset all authority, and should all the white inhabitants unite in one party, the Forces under my orders will prove totally insufficient. I fear that unless this Decree be revoked, the result will be the deaths of thousands of citizens, and that amongst the victims will be found those it especially intends to benefit."

The position of the Governor of St. Domingo was certainly not one to be envied. Between the pressure brought to bear upon him by the Decrees of the National Assembly, which he was bound to execute, and the explosion of indignation created in the Colony by those same Decrees, he was indeed "between the upper and the nether millstone."

Seeing in the Decree of the 15th of May the destruction of their

preponderance as a class, the white colonists, as de Blanchelande feared, laid aside their differences and united to resist a measure so fatal (as they believed) to their interests. They cast to the winds not only their political creeds but even their love for, and allegiance to, their Mother Country, and at one time were quite willing to surrender the Colony to the English.*

In this unsettled state of affairs it was deemed prudent to elect a new Colonial Assembly. The primary Assemblies were therefore once more convened (it is needless to state that no coloured voters were admitted), and one hundred and twenty-six deputies met at Léogane on the 9th of August, 1791, and declared themselves to be "The General Assembly of St. Domingo." The new Assembly fixed upon Cap Français as its headquarters and named the 25th of August† for its first regular meeting.

As that day drew near the Deputies from the different Districts began to arrive. When they reached Cap Français they almost all reported that on the way they had noticed ominous signs of disaffection amongst the slaves. In one quarter the megass houses of an estate had been fired,—in all directions angry crowds had thronged the roads, and some of the Deputies had met with abuse and even personal violence at their hands. On the 22nd, the Governor himself examined several negroes who had been arrested during the previous night. He gathered from their admissions that a plot was in existence to burn the estates nearest to the town and to massacre the whites; they, however, declared that they did not know who were the chiefs of the conspiracy.

De Blanchelande took all the precautions in his power to guard against the carrying out of this infernal design, but the force he could command was very limited, and he could not prudently reduce the number of troops in the town. In Cap Français there were over 6,000 male negroes, and also a very considerable number of white adventurers from all parts of the world, ready to take part in any disturbance which promised them a chance of plunder, and whose

* Malouet in his *Memoirs*, vol. II., p. 196, gives clear testimony upon this point.

† This indicates the strong Royalist feeling still existing in St. Domingo. The 25th of August was the Feast of St. Louis of France, the Feast of the King.

attitude towards the authorities had for some time past caused great uneasiness to the Government. The Governor, therefore, could do no more than order the neighbourhood of the town to be frequently patrolled and all suspicious persons to be arrested.

The night set in dark and stormy, with gusts of wind and heavy showers of rain. The inhabitants of Cap Français, knowing that the Government had taken all possible precautions, retired to rest as usual; but there were those at no great distance who were very far from sleeping and who were preparing a terrible awakening for the slumberers in the town.

As the shades of night closed in, the leaders of the intended outbreak met by appointment in an open space in the dense forests covering the "Morne Rouge,"* the dark avenues of which were fitfully lighted up by the torches carried by the negroes, which now and again paled in the bright flashes of the tropical lightening. It was a wild and fearful scene, and a worthy introduction to the horrors which were to ensue. Suddenly a negro of the name of Boukman, looked upon by his fellows as a Papaloi, or High Priest, advanced into their midst. After chanting some of the mysterious incantations of the Vaudoux worship, he broke out into the following prayer, if such it can be called, which local tradition has preserved:—

"Bon Dié qui fait soleil qui clairé nous d'enhaut,
 Qui soulevé la mer, qui fait grondé l'orage
 Bon Dié la, z'autres tende, li caché dans yon nuage,
 Eh lâ li gardé nous. Li voué tout ça blancs fait.
 Bon Dié blancs mandé crime et cela nous vlé bienfêts,
 Mais Dié qui si bon, ordonné nous vengeance;
 Li va condui bras nous, li ba nous assistance.
 Jetté portrait Dié blancs qui metté d'lo dans yeux nous,
 Couté la liberté qui parlé cœur nous tous."

The meaning of the above is somewhat as follows:—

"Remember that the God who created the sun which gives us light, who raises the waves and rules the storm, though hidden in the clouds, yet watches us. He sees all that the white man does. The God of the white man inspires him with crime, but our God calls upon us to perform good works. Our God, who is good to us, orders us to revenge our

* A Mountain overlooking the plain whereon Cap Français was situated.

wrongs. He will direct our arms and aid us. Throw away then the symbol of the God of the whites, who have so often caused us to weep, and listen to the voice of liberty which speaks to us all through our hearts."

It may well be supposed that words like these, spoken at such a time and by such a man, took immediate and fearful effect. Before midnight the bright flames shooting upwards to the sky in every direction on the great plain behind Cap Français, showed the terrified inhabitants that the long-dreaded servile revolt had at last broken out.

Led on by their chiefs the insurgent slaves swept down over the estates around Cap Français in a torrent of flame. The startled planters were roused from their sleep by the hideous sounds of the African drum and the yells of a hundred thousand infuriated negroes who showed neither respect nor pity for those who to them represented a century and more of cruelty and oppression.

In the space of a few days two hundred sugar estates and six hundred coffee plantations were entirely destroyed. The owners in many instances were able to escape with their lives, mainly owing to the devotion of their own house servants, who forgot their many wrongs and only remembered the kindnesses they had received both in sickness and in health from those who were now in deadly peril.

Others, warned in time, had abandoned their properties at the moment of the outbreak, and made their way to Cap Français, a way made easy to follow by the light of the conflagration. They found the town in a state of the wildest confusion. The women, invalids, and children were sent on board the ships lying in the harbour, and once they were in safety, the Government began to take measures to suppress the revolt.

The conflict was long and bloody, but as may well be supposed, the victory was ultimately gained by the disciplined troops. Boukman was one of the first who fell, and with his death commenced a series of judicial atrocities which before long were terribly avenged. In the market place of Cap Français three scaffolds were erected, and in front was planted a post upon which was fixed the head of the wretched Boukman with the inscription beneath "*Tête de Boukman, Chef des Revoltés*"—"The head of Boukman, Chief of the Rebels." Along

the roads leading from the town, similar posts were planted at regular intervals, each surmounted by the rotting skull of a negro.

On the 25th the Assembly decided to despatch swift sailing vessels to the neighbouring Colonies to seek for assistance both of provisions and arms. The Assembly sat night and day : a Court was established to judge according to Martial Law any insurgents who might be brought before it : an appeal was made to the loyalty of the coloured people to aid in suppressing the revolt : the export of specie was prohibited in the fear that the want of money might interfere with the regular payment of the troops, and other measures were taken with a view to the public safety. Nor was the Governor idle in this terrible emergency. He organised bodies of volunteers under the command of officers of experience : he strengthened the garrison of the Island of Tortuga as a possible refuge in the last resort ; he checked the extension of the revolt into the Southern Province by placing troops at all the points of communication between it and the North, and there can be no doubt that had he not feared that his absence would be productive of harm, he would have himself headed the troops sent against the revolted slaves.

When it had been decided, in view of the imminent peril to which the Colony was exposed, that aid should be solicited from all quarters, the General Assembly had despatched one of its own members, M. le Beugnet, with the following letter addressed to the Governor of Jamaica :—

“ Cap Français,

“ 24th August, 1791.

“ SIR,

“ The ruin of St. Domingo seems inevitable, and before long this beautiful country will be nothing but a heap of cinders.

“ Already the planters have watered with their blood the earth which they had rendered fertile by the sweat of their brows. At this very moment fire is consuming the products which contributed to maintain the splendour of the French Empire. Those who have destroyed our properties have lighted the fires of civil war in our midst. Our slaves are armed for our destruction, and we are brought to the verge of despair by a philosophy which professes to console all suffering humanity.

“ Without help, and suffering under dire calamities, St. Domingo seeks friends and aid from the neighbouring Colonies. We will not allude to

the interest you must have, in common with us, to combat a treacherous philanthropy no less dangerous to you than to ourselves. We are satisfied with appealing to the well known generosity of your nation, and ask for your aid in full confidence that we shall not ask in vain.

“P. DE CADUSCH,
“President of the Assembly.”

M. le Beugnet was received with the greatest courtesy by the Earl of Effingham (then the Governor of Jamaica), who at once rendered all aid in his power to the Assembly of St. Domingo. He was not in a position to send troops, as he dared not leave Jamaica unprotected with the possibility of a similar outbreak occurring amongst the slaves as soon as the news of the rising in St. Domingo would reach their ears. He therefore consulted with Admiral Affleck, then commanding on the station, and the result was that two frigates, the *Blonde* and the *Daphne*, with a sloop-of-war, were at once despatched to Cap Français, and the *Centurion* to Port-au-Prince.

When the *Blonde* and the *Daphne* entered the roadstead of Cap Français those on board were able to judge for themselves of the extent of the ravages which had been committed in that part of the Colony. The plain beyond the town, and all the surrounding country which but a few days previously had been covered with luxuriant cultivation surrounding the happy homes of the wealthiest planters in the Colony, was now but one vast expanse of smouldering embers from which arose a dense smoke hanging like a pall over the scene of destruction.

When M. le Beugnet, accompanied by the principal English officers, disembarked, there was an immense crowd assembled to receive them. Amidst enthusiastic cries of “Vive les Anglais,” they were escorted to the Assembly House, where all the members were in their places, the Governor being seated at the right hand of the President. The latter made a most eloquent speech to the English Officers, who were then introduced to all the principal inhabitants of Cap Français by whom they were hospitably entertained during their stay, which was of some duration, for although the English did not take any active part in the suppression of the revolt, their vessels remained in order to give a moral support to the Government of the

Colony, and in the event of its becoming universal, to assist in rescuing the white population from the infuriated slaves.

In the meantime de Blanchelande was doing all in his power to suppress the revolt, but with varying results. Throughout the Colony reigned bitter anarchy and confusion, and it is almost impossible to follow and understand the domestic history of St. Domingo during the concluding months of 1791 and the opening days of 1792. In the Province of the North one idea was predominant—the maintenance of the Colonial system. In the other two Provinces there were apparently no leaders of any very decided views, and the passions of the moment seem to have dictated their action throughout.

In the meantime the National Assembly in France, utterly ignorant of the course of events in St. Domingo, had received many representations from the commercial towns connected with the Colonial trade as well as from individuals more or less dependent upon the West Indies, urging the necessity for putting an end to the troubles which were bringing, not St. Domingo alone, but the other French Colonies to the very verge of ruin. The result was a Decree dated 24th September, 1791, the principal clause of which enacted that—

“The laws concerning the social position of others than free men, and the political position of the free negroes and people of colour, as well as the regulations relating to the execution of these same laws, shall be made by the Colonial Assembly, and shall be put in force (provisionally), for one year in the American Colonies, and during two years in the East Indies.”

This Decree had barely been confirmed when the intelligence reached France of the rising of the slaves on the night of the 24th August. This first announcement did not come from an official source, but was conveyed in a private letter from St. Domingo on board of a vessel which had left the Colony a few days after the outbreak, and at first the report was disbelieved. The advocates of emancipation, headed by Brissot, declared the story to be either utterly false or at least a gross exaggeration, Brissot himself going so far as to attribute whatever disasters might have occurred in St. Domingo to the machinations of the counter-revolutionary party, who were endeavouring to gain a footing in the Colonies, but scarcely a week had elapsed

when the production of the following official documents before the Assembly set all doubts at rest.

The first was a Despatch from the British Ambassador in Paris to the Minister of Marine, M. de Montmorin, in which the following passage occurred :—

. “ I conceive it my duty to send you a letter received from Lord Effingham, the Governor of Jamaica, dated the 7th of September.

“ I have to announce to you that the King, my master, has been pleased to approve of that Officer’s conduct in sending all the help in his power to the aid of the Government of St. Domingo.”

Extract from Lord Effingham’s Letter.

. “ I regret to have to make you acquainted with the critical situation of our neighbours of St. Domingo.

“ The Governor as well as the Colonial Assembly of that Colony have written to me for assistance against the terrible insurrection of the blacks, who have burned and destroyed every Estate within fifty miles of the Cape.

“ The coloured people have forgotten all their dissensions with the whites and have united with them ; fifteen thousand of them, along with thirty thousand negroes who have remained faithful, are surrounded in a spot where they are perishing from famine. I have sent them five hundred muskets, fifteen hundred pounds of lead, and have given them leave to buy provisions here.”*

In spite of the imminent danger to which it was now evident that St. Domingo was exposed, the National Assembly refused to vote the necessary funds for its relief. Brissot and those who acted with him were able to carry out this destructive policy by denying to the Executive the power to act without the consent of the Assembly, and then refusing to vote the supplies on the ground that there was not sufficient information before them to justify their doing so. Their object was to prevent the despatch of troops selected by the Minister, who they suspected of a determination to maintain the Decree of the 24th September, and by force if necessary to annul that of the 15th May.

* The services rendered by Lord Effingham were recognised by a vote of thanks to the English Nation, and to himself.



CHAPTER V.

WHILST these matters were being discussed in France the members of the General Assembly of St. Domingo (who in allusion to the vessel in which in the previous year they had left for France were called the *Léopardins*) had now absolute control of that portion of the community which was determined to resist the Decree of the 15th of May.

On the 28th of November the French frigate *Galathea* arrived, having on board three Commissioners, Mirbeck, Roume de St. Laurent, and St. Leger, who had been sent out by the National Assembly, charged with the delicate and difficult task of appeasing the angry feelings of the colonists, and conciliating all parties.

Before disembarking the Commissioners received two deputations, one from the General Assembly, the other from the Provincial Assembly of the North. The members of the first deputation wore mourning scarves indicative of the miserable condition of the Colony, whilst the others wore red ones in significant allusion to the fires and massacres which had desolated the great Northern Plain.

After formal installation the Commissioners in carefully prepared speeches and Proclamations, stated the object of their mission and the views of the Home Government, and for a time there seemed to be some prospect of quiet being restored. This was not, however, destined to be realized. The leaders of the Colonial party who had remained in Paris in the hope of influencing the Government, returned to the Colony, and the almost extinct embers of discontent were once more fanned into flame. The revolted slaves were on the point of submitting to the tribunal of the Commissioners, but emissaries from the *Léopardins* persuaded them that were they to do so nothing but death and torture would be their fate. They accordingly again

resumed their hostile attitude, and it soon became evident that the Colonial party intended to openly resist the Commissioners.

These latter found themselves in a very embarrassing position. No communication had reached them from the Home Government since their arrival in St. Domingo, nor had the troops who were to support them as yet made their appearance, and the General Assembly, affecting to doubt the authenticity of their mission, treated them as mere emissaries of a party whose object was to emancipate the slaves and abolish the distinctions between the whites and the free people of colour.

The General Assembly conscious of its power, now proceeded to take strong measures, and led by one of the principal *Léopards*, M. Bacon de la Chevalerie, openly defied the Commissioners whom it was proposed to embark by force for France. All over the Colony the different parties maintained a desultory warfare between themselves. In some quarters the free people of colour were in the ascendant, elsewhere, as at Port-au-Prince it was the revolutionary party among the whites : nowhere was there any solid and reliable Government.

The Civil Commissioners did not spare themselves ; they went from one district to another and earnestly endeavoured to re-establish order, but finding that all their efforts were in vain, two of them, Mirbeck and Roume, determined to return to France in order to lay a full report before the National Assembly.

The *Léopards* now took alarm, and feeling that they had gone too far, tried to make their peace with the Governor, and so far succeeded that they induced him to countermand the order he had given for a frigate to convey the two Commissioners to Europe. Fearing that their departure might be indefinitely postponed, Mirbeck left at once in a merchant vessel, and Roume crossed the frontier into the Spanish territory. The third Commissioner, St. Leger, soon after followed Mirbeck to France.

St. Domingo which but three years before had been in the highest state of prosperity was now in a truly pitiable condition. The most necessary articles of food were wanting ; and the planters who had been accustomed to the enjoyment of every luxury were reduced to absolute penury, as the European merchants were naturally unwilling

to purchase even the miserable crops which remained after the insurrection.

It is no wonder therefore that rage and despair filled the hearts of those who had lost their fortunes, whilst those who had never possessed anything were overjoyed at the anarchy and confusion by which they hoped to be enabled to enrich themselves at the expense of others. Of this class there were unfortunately but too many in all the large towns of the Colony: men of every nationality, whose crimes and vices had sent them into exile, and who sought to retrieve their fortunes in a Colony to the ultimate ruin of which they largely contributed.

The sufferers who deserved the most pity were not those large proprietors, who, overwhelmed with debts and regardless of anything not immediately affecting themselves, had welcomed the Revolution as eagerly in 1789 as they fought desperately against its legitimate consequences in 1791; nor the political intriguers of *all* parties, who, following the example of the demagogues who in France were leading the people through bloodstained anarchy to an iron despotism far sterner than that which they had thrown off, sought, at no matter what cost to others, to thrust themselves into notoriety. Those who really and undeservedly suffered were the honest and hardworking planters of small means, who, knowing little and caring less about party politics, desired only to live peaceably on their own estates in the midst of their labourers, and who now suddenly found themselves carried into a vortex caused by passions and intrigues to which they were strangers, but which involved in utter ruin themselves and all belonging to them.

To judge from the following letter, the year 1792 opened with but gloomy prospects for the unfortunate Colony:—

“ Cap Français,

“ 25th January, 1792.

“ One event succeeds another with an astonishing rapidity, our misfortunes increase momentarily, and until now we are still without any aid from France; we are shut up in this town expecting the help so long looked for and the speedy arrival of which can alone save for us, not our properties only, but our lives. All the Colony, except this town

and Port-au-Prince, is in the power of the brigands, who after having pillaged everywhere in the King's name, are now bent upon massacre.

"We cannot better describe our unfortunate position than by telling you that one of our advanced posts on the heights above the town was attacked by 400 of the brigands, who with a considerable loss were finally repulsed, but not until they had forced their way into the hospital and murdered several of the patients.

"The Colony is one scene of horror. Those planters who have as yet escaped are in imminent peril. The coloured men and free negroes have joined with a certain party amongst the whites to bring about the ruin of St. Domingo.

"In the South two-thirds of the planters have been destroyed. Those who saved themselves by flight have taken refuge in Léogane, where they will soon fall again into the hands of the assassins. The slaves of the South Quarter are all in open revolt; those who did not choose to follow the others were all killed."

Even allowing for some exaggeration, the real state of affairs was sufficiently alarming. St. Domingo was undergoing all the horrors of a triple civil war. The slaves were in open revolt against their masters, and the whites were divided amongst themselves. The Governor was Governor but in name, and the troops then in the Colony could not be depended upon.

The original cause of this disastrous state of things was the perversity of the whites in the early days of the Revolution in their dealings with the free people of colour. Had that party which was known as the *Léopards* been as willing to admit the latter to the benefits of the Revolution as they were eager to grasp them for themselves, not only would the horrors of civil and servile war been avoided, but in all probability St. Domingo would have remained a magnificent and prosperous Colony instead of becoming a mockery of a Free State, which for the last three quarters of a century has been drifting backwards into barbarism. Instead of this, every Decree that arrived from France tending to establish the perfect equality of all free men in the Colonies, was a signal for fresh demonstrations on the part of the hitherto dominant class of their determination to maintain their ancient supremacy, and for a time they were partially successful.

When the revolt broke out, for which they were to a great extent responsible, they were ready to make any sacrifices to save their own

estates and properties. To secure that result they were prepared to forego even their nationality; the English or the American flag might replace the banner of France, and they would still be content;—there was one thing they would not do: never would they consent that the man of coloured blood should be placed on an equal footing with themselves!

It was whilst all these conflicting passions were at their height, that the Decree of the National Assembly of the 24th September was published in St. Domingo. The *Léopards* looked upon this Decree as a victory for the Colonial Party, and assumed at once an attitude which added to the exasperation of the people of colour, who alone had remained faithful in their allegiance to the Mother Country.

The result was, that early in 1792 the state of the Colonies was again brought before the National Assembly, and all the arguments which had so frequently been used on both sides of the question were reiterated over and over again. After several prolonged discussions a Decree was finally voted on the 24th March. It dealt with the whole question at great length, but may be thus epitomized. Colonial Assemblies were to be elected in accordance with the Decree of the 8th of March, 1790. Free persons of colour and free negroes were to be admitted in all primary Assemblies and were to be eligible to hold any official appointment so long as they possessed the necessary qualifications mentioned in the instructions of the 28th March of the same year, and in order to enforce this Decree three Civil Commissioners were to be named for St. Domingo and one each for St. Lucia, Martinique, Guadeloupe and Tobago.

On the 4th April this Decree received the Royal sanction, but it was not until the 15th of June, under the Ministry of Roland, that it was decided it should be enforced. Three Commissioners were then appointed for St. Domingo, two of whom, Sonthonax and Polverel, were ardent Republicans; the third, Aillaud, was of a more moderate disposition in politics.

These Commissioners, and General D'Esparbès, who had been named Governor in the place of de Blanchelande, left France at the end of July, having with them a force of 6,000 men, and arrived in the Colony on the 18th of September.

Sonthonax, like many of the leaders of the French Revolution, was by profession a lawyer. He was an ardent Abolitionist and a Republican of the most advanced type, vain, self-sufficient, and of a harsh and cruel nature. Polverel, although as fully imbued with the principles of the Revolution, was a man of a more serious character and of a calm and humane disposition. Aillaud, mild and inoffensive, was quite unlike either of his colleagues, from whom indeed he kept as much aloof as possible. D'Esparbès, the new Governor, was an old man in his seventy-third year, weak both morally and physically, and who could only have been selected for the post in order to ensure the most perfect freedom of action to the Commissioners.

The day after their arrival the new authorities were formally installed, the ceremony taking place in the principal Church of Cap Français. Each Commissioner addressed the Assembly in turn and declared solemnly that no attempt would be made by them to emancipate the slaves. This they did by express instructions from the National Assembly in order that the colonists should be reassured on this all-important point.

Not long after the arrival of the Commissioners the news of the events of the 10th of August and of the imprisonment of the Royal Family reached the Colony, and Polverel and Sonthonax at once showed themselves in their true colours. Without even consulting D'Esparbès, who had already fallen under the influence of de Cambeport, de Thouzard, de Rouvrai and other Royalist leaders, they sent the late Governor de Blanchelande under arrest to France.* Their next step was to dissolve the General Assembly on the ground that the free people of colour were not represented in it. It was replaced by a Provisional Committee composed of twelve members, six of whom were whites, the others free men of colour. This Committee was to continue its functions until a new Assembly should be elected, but no hint was given by the Commissioners as to when the preliminary steps for that election would be taken, and thus the once powerful party of the *Léopardins* was destroyed, and its members saw, but too late, how blindly they had acted.

* On his arrival he was arrested and shortly afterwards brought before the Revolutionary tribunal and guillotined.

Within a week after the arrival of the Commissioners a club had been formed, composed entirely of *Petits Blancs*, who, whilst nourishing the utmost hatred of the coloured people, professed an ardent attachment to the principles of the Revolution. One of the first objects of Sonthonax was to remove de Cambefort, in whom he saw he had a formidable adversary, and it was through the instrumentality of this club that he sought to attain his end. On the 17th October one of the members proposed that de Cambefort should be arrested and hanged, and the proposition would in all probability have been carried into effect had not D'Esparbès for the first and only time during his term of office shown some energy. He summarily closed the club and that day passed off without disorder. The next day, however, the Municipality of Cap Français, entirely composed of members of the club, decided that all the Royalist chiefs should be arrested and put on board ship, and within a few hours the town was filled with armed men. Both parties were animated by the most angry passions and would have soon engaged in a bloody combat had de Cambefort yielded to the wishes of his Regiment (every man of which was ready to lay down his life in his defence) and opposed force to force. This he would not consent to, and against the advice of de Thouzard decided to submit to the Decree of the Municipality, and go on board the *America*, then lying in the harbour. Here he was soon joined by a large number of the richest planters in the Colony, who like himself had been banished, and two days later M. D'Esparbès who had been deprived of his authority by the Commissioners was also sent to keep them company, but shortly after was removed to France.

The old Colonial aristocracy was now virtually destroyed. By playing off one class of whites against the other, Sonthonax had cleared one important obstacle from his path, and the rest were soon to follow.

The Northern Province was in a truly terrible condition. Money there was none, provisions of all kinds were extremely scarce, and the revolted slaves, still unsubdued, were living at free quarters on the estates of their former owners, who had either taken refuge in other countries, or were prisoners in the hands of demagogues who imitated

and exaggerated the excesses which were then disgracing Paris and other large towns of France.

Polverel and Sonthonax now determined to strike a blow at the Royalist party in every part of the Colony, and accordingly the former, accompanied by Aillaud took his departure for St. Mark, leaving Sonthonax at Cap Français. Finding the Royalists in St. Mark too strong for them, the Commissioners left for Port-au-Prince, where they were received with enthusiasm by the revolutionary party which was all powerful in that town. There Aillaud left his colleague, ostensibly to visit the Southern Province, but in reality to make his escape from a position which every day became more painful to him. Unknown to his brother Commissioners he succeeded in returning to France, trusting to have an opportunity of enlightening the Government as to the state of affairs in St. Domingo, but on arriving at L'Orient he was arrested and charged with treason to the Nation, and narrowly escaped the guillotine.

The other two Commissioners had now nearly succeeded in effecting their object. All the officers of the late Government had been replaced by Republicans, and the whole administration was in the hands of a section of the people of colour and of a class of whites who had no stake in the Colony.

When these events became known in France, the tidings arrived at a moment when the Convention had but little time to devote to even so important a Colony as St. Domingo.

On the morning of the 21st January, 1793, Louis XVI. was taken from the dreary Temple which for months had been his prison, and in the presence of a vast multitude expiated with his life, crimes for which he was not responsible and for which he had always shewn the most sincere detestation. In sentencing him to death the Convention knew perfectly well that Republican France threw down the gauntlet to Monarchical Europe, and those who had thrust themselves into the place of the successors of St. Louis were preparing for the opening scenes of that long and bloody contest which will be a marvel to the student of history so long as history shall be read.

The prodigious efforts made by the Republican Government to protect France from foreign invasion left but little leisure to attend to

the Colonies, and the only step taken by the Convention with regard to St. Domingo was to name a Governor in the place of M. D'Esparbès, and for this post General Galbaud, an officer of artillery, was selected.

Galbaud sailed from France early in April and arrived at Cap Français on the 7th May. He found the town in a deplorable state. The remains of the Royalist party and the *Petits Blancs*, finding that they had been pitted against one another simply to serve the ulterior designs of Sonthonax and Polverel, and having at least one bond of union, their common detestation of the people of colour, had again united their forces and only waited an opportunity to break out against the Government of the Commissioners.

When Galbaud landed on the 7th of May at Cap Français the latter were absent in consequence of some disturbances in the Western Province. The newly-arrived Governor wrote to them to return to Cap Français without delay, in order that he might communicate to them the instructions he had received from the Home Government. To his letter they replied that having had no official intimation of his appointment they must for the present decline to recognize him as Governor, but that when the business they had in hand was completed, they would return to Cap Français and enquire into the validity of his Commission.

Accordingly, on the 10th June, the Commissioners arrived at Cap Français. The streets were lined with troops, and the Governor was prepared to receive them with all due ceremony. An escort of cavalry had been sent to meet them, and they made a triumphal entry into the town, the place of honour in the procession being reserved for the coloured people, who formed a guard round the carriage in which the Commissioners were seated. As may well be conceived the joy of the whole of that class of the community was immense; they believed that at last the day had come when justice would be done to them, and, as was but natural, they repaid with interest, the insults to which they had so long been subjected by the hitherto dominant class.

It was four o'clock in the afternoon when the Commissioners entered the town. As soon as their arrival was made known, the Governor went to meet them, but found, that instead of following the official route, they had taken another street with the evident inten-

tion of showing publicly their contempt for the new Governor. The latter, anxious at any cost to maintain good relations between himself and the Commissioners, swallowed the affront and followed after them.

His feelings, when he found them haranguing the crowd by which they were surrounded, in terms of which the following is a specimen, can be more easily imagined than described :—

“ It is on your account, Citizens, that the Republic has despatched us to St. Domingo.

“ We have been furnished with full powers to order that at last you may be enabled to enjoy your natural rights, those rights which the National Convention has for the first time made clear to the world. We shall prove worthy of the confidence reposed in us ; in spite of the evil disposed, and of the obstacles placed in our way by so many conflicting interests, we shall fulfil the honourable mission entrusted to us ; you can depend upon our firmness and our devotion to your cause. We shall be supported with all the power of the Republic, anxious to secure liberty and equality for all. Without these there can be no happiness on earth.

“ That doctrine has become the Gospel of France as it will soon be that of the whole world. All Monarchies must be swept away by the torrent of a general democracy. A new policy will be adopted by the Nation, created by a philosophy no longer sterile and impotent. Lycurgus, Solon, Numa, were either ignorant swindlers or mere visionaries. Charlemagne, Charles V, Louis IX, Henry IV, Louis XIV, were despots, whose memory and whose laws should alike be held in horror. Their object was to reign through certain fixed rules ; with them the possession of property was the base of their political system ; away with such a system !

“ The real patrimony of man, his sole riches, consists of boundless liberty and absolute equality.

“ No, in spite of the opinions of our opponents, man is not born to live in stupid ignorance ; he is raised above the level of the beasts by his passions. Let us therefore rouse them into activity, let us break the curb by which our barbarous laws keep them in check ; and then, let man, once again his own master, freed from his old notions, cured of all his old superstitions, sole arbiter of his own will, worthy at last of that nature which creates him free and independent, enjoy to the full his natural rights.

“ And you, who were formerly humiliated as *Petits Blancs* ; you who always opposed to the citizens created by the Decree of the 4th April, have in common with them certain inviolable rights to demand ; you, not less despised and humbled than them by the haughty planters, should find in your union with them, the strength to avenge your common wrongs ; learn what are your real interests.

“ You have but to desire it and you will emerge at once from the

degraded condition in which you have been pitilessly kept by that overbearing caste.

“If you determine to be rich, you shall have wealth; if you wish for power, before long you shall govern those who by their tyranny have deserved the hate, and merited the vengeance of the people whose gratitude they once disdained, and whose sovereignty they now refuse to acknowledge.”—(Hist. de la Révolution de St. Domingue: Dumas. Tom. II., p. 163.)

Nor was it long before the Commissioners began to act in accordance with these doctrines. The Governor's brother, who was Adjutant-General of the army, with all branches of which he was exceedingly popular, and who was in every way a superior man, was felt by the Commissioners to be a dangerous enemy, and he was suddenly arrested and sent a prisoner on board of the *Normande*, where a few days afterwards the Governor joined him, having in his turn been deprived of his office by a Decree of the Commissioners, dated 13th June. It so happened, however, that the crews of the vessels then in the harbour of Cap Français were not Republicans, and of this circumstance the Governor and his brother did not fail to take advantage. Visiting vessel after vessel they called upon the crews to aid in striking a blow to save to the Mother Country her finest Colony, and the sailors were not deaf to their appeal. A plan of action was soon decided upon, and everything being ready, on the morning of the 20th of June the merchant vessels moved from their moorings and the two men-of-war, the *Jupiter* and the *Eolus*, brought their broadsides to bear upon the town, the inhabitants of which, perceiving that it was covered with the guns of these two floating fortresses, and that the bay was alive with boats filled with armed sailors and marines, were naturally very much alarmed.

General Galbaud shortly afterwards landed with a considerable force and marched at once upon the Government House, but his brother, who disembarked at the same time with him, having allowed himself to be deceived by the pretended adhesion of some of the troops, was taken prisoner, whilst M. de Beaumont, who led another column, and had penetrated so far into the town as to be actually on the point of capturing the two Commissioners, was put *hors de combat* by a musket ball which fractured his knee. This accident disconcerted

the sailors, who retired to the arsenal, of which the Governor had rendered himself master.

The next morning many skirmishes took place in the streets with varying success, but at last the whole of the regular troops declared for the Commissioners and Galbaud and his forces were obliged to retire on board of the vessels in the harbour.

When on the previous day Sonthonax and Polverel had seen the large number of men collected by Galbaud, they were much alarmed as to the possible result, and despatched emissaries to the camp of the revolted negroes, summoning them to their assistance and offering them pardon for the past, freedom for the future, and the immediate plunder of the city. These offers were at first rejected, but on the 21st June, just after Galbaud had retired to the ships, several thousand revolted slaves, under a Chief named Macoya, broke into the town and began to pillage and burn in every direction. They were soon followed by others, and the horrors that were enacted surpassed all that can be imagined. In the words of a well known writer ;—

“ A scene of matchless horror ensued : twenty thousand negroes broke into the city, and, with the torch in one hand and the sword in the other, spread slaughter and desolation around. . . . Neither age nor sex were spared ; the young were cut down in striving to defend their houses ; the aged in the churches where they had fled to implore protection ; virgins were immolated on the altar ; weeping infants hurled into fires. Amid the shrieks of the sufferers and the shouts of the victors the finest city in the West Indies was reduced to ashes. its splendid churches, its stately palaces were wrapped in flames ; thirty thousand human beings perished in the massacre, and the wretched fugitives who had escaped from the scene of horror on board the ships were guided in their passage over the deep by the prodigious light which arose from their burning habitations. . . .

“ Thus fell the Queen of the Antilles ; the most stately monument of European opulence that had yet arisen in the New World. Nothing deterred however by this unparalleled calamity, the Commissioners of the Republic pursued their frantic career and proclaimed the freedom of all the blacks who enrolled themselves under the standards of the Republic ; a measure which was equivalent to instant abolition of slavery over the whole Island. Further resistance was now hopeless ; the Republican authorities became the most ardent persecutors of the planters ; pursued alike by Jacobin frenzy and African vengeance, they fled in despair.”*

* Alison's History of Europe.

The greater portion of the refugees found their way to the United States of America, but many escaped to the neighbouring Islands, the coffee planters especially taking refuge in Jamaica. Those, however, who had devoted their time to the cultivation of the cane, "perceived that it was only in the Colonies of Spain they would find uncultivated soil sufficient for their purpose. They had before them for selection Cuba, Porto Rico and Trinidad; the last considerably to windward of St. Domingo, and not to be reached from thence in less than three or four weeks, and then only in a fast-sailing, sharp-built vessel, little adapted to the conveyance of a large establishment of family and slaves, encumbered with all the household goods they could save from the wreck of their fortunes. Porto Rico was close to them on the East, and Cuba on the West, and the latter within a few hours' sailing. Notwithstanding the time, trouble and expense necessary to reach it, the most influential families amongst them selected Trinidad in preference; and to these distinguished refugees that Colony is indebted for the introduction of sugar cane."*

After the destruction of Cap Français the Commissioners, for a brief period, had everything their own way, but although one of their first acts was to declare all those to be free who had taken up arms in their defence, the slaves in general did not at first repose much confidence in the new order of things and held obstinately aloof, until on the 29th August, Sonthonax, upon his sole responsibility, declared slavery to be for ever abolished in St. Domingo.

The result was disastrous in the extreme; the negroes not only refused to work, but set fire to the few remaining estates, and as there was no money in the Colony the unfortunate proprietors were brought to the verge of starvation. The English Government, partly on the representations of some of the refugees from St. Domingo who were in London, and partly from a not unnatural alarm caused by the proximity of that Island to the British possessions, now decided to take advantage of these accumulated disorders, and despatched an expedition from Jamaica in the hope of being able to wrest St. Domingo

* "Observations on the condition of the Island of Trinidad."—By W. H. Burnley, London, 1812, p. 41.

from the French Republic. With the details of that most unfortunate expedition we have no concern. It is sufficient to say that it was a signal failure. Yielding to the deadly climate and unable to cope with the numbers opposed to them, the English were at length compelled to leave St. Domingo to its fate.

No sooner were they delivered from external enemies than all parties in the Island broke out into furious hostility against each other. The mulattoes beheld with undisguised apprehension the preponderance which the negroes had acquired in the late contest and arrayed themselves under General Rigaud, and Hédouville a newly appointed Commissioner of the French Government, to resist Toussaint l'Ouverture who was at the head of the African population. A frightful war ensued which was long carried on with success, but at length the mulattoes were overcome and Rigaud was forced to take refuge at Les Cayes.

It was now the turn of the people of colour to fly, and many of them found their way to Trinidad where they speedily began to retrieve their fortunes, several of them succeeding in establishing large sugar estates, especially in the Naparimas.* This may be called the second immigration caused by the troubles of St. Domingo, and, like its precursor was productive of much good, both being composed of men of respectability, lovers of order, only anxious to live in peace and quietness. There was now, however, to come a third influx of a very different sort, to which allusion has already been made (Chap I., pp. 11—12), and with which the Colony could well have dispensed. The capture of the French Islands by the English forces had compelled the Republicans of all shades and colours to take refuge elsewhere, and a very large number of them coming to Trinidad formed the turbulent and intriguing faction so much dreaded by Chacon. Nor is it to be wondered at that this feeling should have been shared by the planters. These were the men who had driven them from their estates in St. Domingo and sent them fugitives across the sea, leaving behind them the smoking ruins of their homes and the mutilated corpses of their friends and relations. It was true that they

† A fertile tract of land in the centre of the western portion of the Island.

who had been the persecutors were now in their turn proscribed, but still it was not possible to forget the past, more especially as the language and conduct of the new comers shewed that they had in no way modified their views and only waited for a favourable moment to repeat in Port-of-Spain the fearful scenes of Cap Français. Nor were they likely to be restrained by any fear of Chacon, who shewed but too much evidence of the same weakness of character which had been the ruin of both de Peynier and de Blanchelande in St. Domingo.





CHAPTER VI.

THE next in importance to St. Domingo, of the French West Indian Colonies, was the Island of Martinique discovered by Columbus during his fourth voyage, and which on the 25th June, 1636, was taken possession of in the name of the King of France, Louis XIII., by two French explorers, de l'Olive and du Plessis. The King was more concerned for the spiritual welfare of the aborigines than with any idea of rendering these distant Islands of either agricultural or commercial importance. Through his Minister, the famous Cardinal Richelieu, he obtained a Bull from Pope Urban VIII. by which the religious instruction of the French Colonies was entrusted to the Order of St. Dominic, four members of which had accompanied de l'Olive and du Plessis when they took possession of Martinique. It is no disparagement to Richelieu to say that he was fully aware of the great commercial and political value to France of these Transatlantic possessions, and that whilst as a Churchman he was well pleased to bring the heathen into the true fold, as a Statesman he was rejoiced to add to the wealth and power of his country.

In the year 1690 France was at war with Spain and the other European powers united in that formidable coalition against Louis XIV., of which William of Orange was at once the creator and guiding spirit. The Comte de Blessac was at that time Governor of Martinique, and having been successful in several engagements with the English and their allies the Dutch, he determined to make a descent upon the Island of Trinidad as a possession of the King of Spain. He accordingly collected a force of some two hundred men, who under the orders of Levassor Latouche, were despatched to the Gulf of Paria. The accounts of this expedition are very meagre; all

indeed that can be gathered from them, is that after overcoming some slight resistance from the Spanish troops the French were about to attack the "fortress" (probably the town of St. Joseph, which was protected by a citadel and an advanced fort on the Caroni) when Latouche received a serious wound which put him *hors de combat*. Finding themselves without a leader, the French became discouraged and returned to Martinique.*

After this there does not appear to have been much intercourse between the two Colonies until the year 1781, when the glowing reports made by St. Laurent induced several French families to leave Martinique and the other French Colonies for Trinidad. In 1783 the Government of Louis XVI., finding that the facilities then offered by the King of Spain were calculated to injure French interests instructed the Governor of Martinique, M. de Damas, to take measures to prevent the planters and their labourers from leaving that Colony.

The French Minister of Marine, the Marquis de Castries, fully appreciated the gravity of this danger and departed from the traditional and commercial policy of France in the hope of obviating it. He suspended a Decree which compelled the planters to send all their produce to France and forbade the establishment of refineries in the Colonies, and allowed the exportation of sugars to the United States in French vessels on condition that a Royalty should be paid to the Crown. He also granted permission to a firm in Martinique to refine yearly, during twelve years, 3,000,000 lbs. of sugar.

These concessions, like all concessions made under compulsion, produced but little effect, and according to existing records it was at this period that the first immigration into Trinidad of French families commenced. That it should have been so extensive may at first appear strange especially as most of the immigrants belonged to families long settled in the French Colonies. It must not, however, be forgotten that whilst the colonial system of France was extremely repressive, the inducements held out by the King of Spain to attract settlers to Trinidad were most alluring.

"The powers of the Governor in the French Colonies under the

* Histoire de la Martinique.—Sydney Daney.

ancient system were . . . limited, and his means of acquiring influence . . . confined. His term of office was seldom allowed to continue for more than three years. His conduct was carefully watched at home by the Council of Commerce, who had branches in every seaport town to examine all persons returning from the Colonies and to encourage systematically all manner of complaints against his administration. His prerogative in the Colonies was limited by the rights of the Superior Council in France and the influence of the Colonial Assemblies. His most important functions were shared by the Intendant, who, on the other hand was supreme in his own department of finance. From this system of divided power resulted an administration equally vexatious to the inhabitants and destructive of all efficacy and vigour and in the end ruinous also to the interests of the Crown.”*

In one important respect, however, Martinique was more favoured than the other French Colonies. The amount of revenue to be raised by taxation in them was fixed yearly by the King of France, but the colonists of Martinique had been always allowed to apportion their taxation themselves. Successive Governors and Intendants had endeavoured fruitlessly to set aside this custom, but the *right* was only secured to the colonists, when in June, 1787, Louis XVI. created the first Colonial Assembly of Martinique. His chief object in doing this was to strengthen the attachment of the colonists to the Island, and to induce them to reside there instead of squandering their fortunes in Paris; in other words, he sought to check the growing evil of absenteeism.

When the Royal Ordinance creating the Assembly reached Martinique the Vicomte de Damas was Governor of the Colony. Two years later, in July, 1789, the Government passed, *ad interim*, into the hands of the Comte de Viomenil a Lieutenant-General in the army, who had served with distinction under General Rochambeau during the American war. The stirring events which were occurring in France were then just becoming known in the Colonies. Each vessel that arrived brought some fresh and startling information; the

* Brougham's Colonial Policy, vol. 2, p. 13.

disturbances which had taken place during the elections ; the assembling of the States General ; the disputes between the Orders ; the declaration of the Tiers Etat constituting itself the National Assembly ; the Tennis Court Oath with the incident of the provisional admission into the Assembly of the Deputies from St. Domingo ; the destruction of the Bastille, and the adoption of the tricolor as the national flag. All these wonderful changes inflamed the imaginations of the colonists, many of whom had also dreamt of reforms, but of reforms affecting themselves alone, without any reference to those whom they considered their inferiors.

It never occurred to them that these events could in any way affect their own social position, or that it could be possible to shake, much less to overthrow an edifice so carefully constructed as their colonial system ; and this fact explains the extraordinary favour with which the news of the Revolution was received in the French Colonies by those very persons who were destined to suffer the most by it. If indeed there were a few who had some misgivings, they imagined the storm to be too far away to injure them, and instead of guarding against coming danger, they took advantage of the political crisis to carry out their own personal views and to satisfy the animosities engendered by party feeling. The result was a state of affairs in Martinique very similar to that which was then existing in St. Domingo, save that the *Petits Blancs* and people of colour were not so numerous in the smaller Colony.

The planters fancied the time had arrived for curbing and diminishing the powers of the Governor and of the Intendant—powers which they held to be not only excessive, but tyrannically exercised ; and as they formed the majority in the Colonial Assembly they took advantage of their numerical superiority to endeavour to crush the commercial body, whose interests they looked upon as antagonistic to their own ; the town party, on the other hand, which was composed of persons engaged in commerce, watched eagerly for an opportunity of humbling the planters who affected to look down upon them, and the dissension between these two influential bodies soon became envenomed by political feeling ; the planters who, in the majority of cases, were connected with the *noblesse*, adhering to the monarchi-

cal party, whilst the merchants naturally adopted the views of the National Assembly.

The town of St. Pierre was the head quarters of the latter party, and before long events occurred which had the unfortunate effect of dividing the Colony into two hostile camps, and of creating bitter hatred and animosity between those whose interests were after all identical and to whom anything which retarded the progress of the Colony was equally injurious. The Island was divided between two well-defined parties, and so intense was the excitement, that the planters armed their slaves to attack the town, and the town appealed to the Republicans of Guadeloupe and St. Lucia to come to their assistance ; an appeal which was at once responded to.

The news of this disastrous state of things soon reached France, and added to the alarm already created by the news from St. Domingo. The National Assembly, with a view to avert the danger if possible, named a Committee over which presided the Abbé Montesquieu, and of which Barnave was a member. To this Committee were referred the documents lately received from St. Domingo and Martinique, as well as the petitions and memorials from the commercial and manufacturing towns concerning the state of those two Colonies.

On the 8th March, 1790, a Report was presented to the Assembly by this Committee, accompanied by a draft Decree which was unanimously adopted on the same day, and which has already been fully described in a previous chapter.

At the same time the King was solicited by the National Assembly to cause full instructions to be sent to the Colonies as to the manner in which they were to conform themselves to the new order of things. The task of preparing these instructions was confided to Barnave who had made the Colonies his special study, and who was not afraid to proclaim opinions not altogether in accordance with those entertained by the dominant party in the Assembly.

These instructions, which were drawn up with great care and ability, terminated with the following eloquent appeal to the colonists :—

“ The National Assembly knows nothing of either the language or the subterfuges of an artificial policy ; and especially does it despise any other means of ruling the people than those of strict justice. Mutual

attachment, advantages in common, perfect good faith, are what the Assembly promises to, and asks from, the people of the Colonies. . . . We counsel you at this particular moment to maintain perfect order, to be united amongst yourselves, and to work hard at building up the new system under which you will in future exist. This advice is given for your good, for your safety ; above all, do not give the bad example of discord and of trouble.

“ More than any you need peace, and there is no need of any agitation on your part to obtain what the National Assembly has from the first decided to give to you.”

Unfortunately these wise and generous counsels came too late to prevent the dissensions which had already commenced and were powerless to appease them, and when they reached the Colony in May, 1790, open war had already been declared between the two factions of the town and the country. The people of colour were at that time more favourably disposed towards the planters than towards the patriots, as the townsmen began to be called, and the Colonial Assembly raised a force of two thousand men, largely composed of men of colour, for the purpose of subduing the town of St. Pierre. In this they succeeded, dispersing the members of the Municipality, disbanding the Militia, and depriving of their situations the most prominent officers.*

This lamentable state of civil war continued during the whole of the year 1790, fortune sometimes favouring one side and sometimes the other, until in January, 1791, the news arrived from France that the King had sanctioned the appointment of four Commissioners for the French Windward Colonies with instructions to make full

* In the *Moniteur* of the 31st December, 1790, a notice was published detailing from information received in letters written from Martinique, events which had occurred in that Colony. From these letters it appeared, amongst other things, that many of the well-to-do people of the Colony had endeavoured to leave it on account of the disastrous state into which it was plunged, but that the Municipality of St. Pierre had taken steps to prevent this, and had refused to allow them to embark.

The Governor, M. de Damas, who was as hotly defended by the planters as he was abused by the mercantile section of the community, did not hesitate to blame the latter for all the misfortunes which were befalling the Colony. He wrote a long Report to the Minister of Marine, a *précis* of which was published in the *Moniteur* of 25th January, 1791. In it there occurs this passage :—“ M. Damas reproche aux habitants de St. Pierre d'avoir fait brûler et de laisser brûler différentes pieces de cannes. Cet ordre expédié par l'Hotel de Ville de St. Pierre à été remis à ce Général par un officier transfuge de ce parti. M. Damas a envoyé en France copie certifiée.

“ Le 31 Octobre seulement le Fort Bourbon a fait brûler sept habitations de son voisinage, et toutes les maisons de gens de couleur et autres qui étaient a portée.”—(*Moniteur*, 25th Jan., 1791).

enquiries into all matters affecting them with a view to their future organization.

The Commissioners, who were M.M. Lacoste, Magnytot, Montdenoix and Linger, all men of moderate views, and sincerely desirous of maintaining the principles of order, reached Martinique in the early days of March, 1791. They were accompanied by the Comte de Béhague, who had been appointed to succeed the Vicomte de Damas as Governor of that Colony.

From the moment of their arrival the Commissioners laboured hard to restore order and harmony, but their efforts only served to keep up and inflame the existing ill-feeling between the two parties, and there seemed but little chance of matters mending, until the National Assembly in September, 1791, framed four Articles for the government of the Colonies, the third of which was thus worded :—

“The laws affecting the slaves and the free blacks and people of colour, as well as all regulations made in accordance with them, shall be drawn up by the Colonial Assemblies now in existence and those which shall succeed them, and will be provisionally enforced for one year in the American Colonies when approved by the Governor. They are to be transmitted at once for the King’s approval.”

Acting in accordance with this Article of the Decree the Colonial Assembly of Martinique set seriously to work to re-establish order in the Colony, and matters were beginning to assume a more favourable aspect when an event suddenly occurred which once more threw everything into confusion.

The means of communication between the Mother Country and the Colonies were at that time very rare, and little was known of the march of events in Europe; but a rumour had nevertheless reached Martinique that a coalition against the party which had seized the Executive power in France had been formed between the Emperor of Austria, the King of Prussia, and the Princes of Germany, and that Louis XVI. had been forced by the National Assembly to declare war against these allies.

No sooner had this rumour been bruited than the Comte de Béhague at once came to the conclusion that the tide had turned—

that the course of the Revolution was stayed—and expecting the news would shortly reach the Colony that the King was once more settled firmly on his throne and that all was as before, he conceived it to be his duty to avoid all communication with the Mother Country until order should be finally established—a view in which he was supported by the naval officers on the station, who were all ardent Royalists. A report which seems to have emanated from one of the English Colonies was suddenly circulated in Guadeloupe that the Austrians and Prussians had entered Paris, and that the counter-revolution had begun. The Captain of a French frigate, the *Calyпсо*, then in the harbour of Basseterre, immediately hoisted the white flag of the House of Bourbon and sailed for Martinique, where his example was followed by the Comte de Béhague and the vessels of war on the station.

This demonstration was of course equivalent to an open rupture with the National Assembly, and had the effect of totally changing the political aspect of the Colony. By this step on the part of the Governor and the naval chiefs the dissensions and divisions which until then had been of a purely local character, were invested with all the attributes which belonged to the various political parties in France, and from that moment the appellations of Aristocrat and Patriot, Royalist and Republican, names already connected in men's minds with deeds of violence and bloodshed, began to be used in the Colony. For a time Martinique was left to govern itself, and the Royalists being the more powerful party proceeded to expel from the Island the most dangerous of their opponents. This was an unwise step on their part, for the exiles at once made their way to Paris, and on the 6th December, 1791, a deputation from St. Pierre appeared at the bar of the National Assembly to denounce the conduct of M. de Béhague, the Governor of Martinique, as well as that of the principal naval officers on the station, who they declared had plotted to deliver up the Colony to the English.* Acting upon this report the French Government took steps which soon changed the aspect of affairs in Martinique and plunged the Colony once more into civil war.

* *Moniteur*, 8th December, 1791.

The Constitutional Assembly of France, which had been dissolved in the preceding September, had been replaced by the Legislative Assembly, and the Colonies soon began to perceive the difference. The new legislators were more advanced in their political doctrines than their predecessors, and would not tolerate the existence in any part of the French possessions of the social and political distinctions which formed the very essence of the Colonial System. Accordingly on the 28th March, 1792, the famous Decree went forth which declared all free men of colour and free negroes to have equal political rights with the white colonists, to be eligible to vote in the Primary Assemblies, and to hold any office whatsoever. A few months later the Vicomte de Béhague was summoned to the bar of the Assembly to give an account of his conduct as Governor of Martinique, and General Rochambeau was sent to relieve him. On arriving at his destination Rochambeau found the colonists determined not to allow him to land, and he was formally notified by de Béhague and the French Admiral, de Rivière, that if he did not at once withdraw he would be treated as an enemy. It is probable that Rochambeau, had he had anything like a sufficient force at his command, would have endeavoured to carry out his orders by force, but he had with him but one frigate, the *Semillante*, while the naval force of the Island consisted of the *Ferme*, line of battle ship, 74 guns; the *Calypso* and *Royalist*, frigates, and the *Maréchal de Castries* and *Balon*, corvettes. He therefore submitted with the best grace he could and made sail for St. Domingo.

This state of things was not long allowed to continue. The Revolutionary party was daily gaining ground in France; the King and the Royal family were prisoners in the Temple; it was clear that the days of both the Monarch and the Monarchy were numbered, and the effects of the storm which was raging in the Mother Country soon began to be felt throughout the whole of the French dominions.

Already the Patriot party in Martinique was beginning to reassert itself, and Béhague felt but little confidence in the soldiers, who, unlike the seamen, were deeply imbued with the new ideas. He began to find that his position was becoming perilous and untenable, and on the 12th January, 1793, he embarked on board the fleet, which was still commanded by de Rivière, and sailed for Trinidad, accompanied

by a certain number of families who thought their residence in Martinique no longer safe.*

General Rochambeau, informed of what had occurred in Martinique, now left St. Domingo and took possession of his Government. He at once set to work to carry out the instructions of the Legislative Assembly, and used all possible efforts to heal the dissensions which had brought the Colony to the verge of ruin. In the midst of these arduous occupations he learned (1793) that Louis XVI. had been executed and that war had been declared against the French Republic by England and Holland, and therefore knew that he might at any moment be attacked by a hostile armament. In those days whenever a war broke out between the great European nations, the Caribbean Sea at once became a theatre for the display of both naval and military prowess; and as the British Government had long foreseen that war was inevitable, instructions had already been sent to Major-General Cuyler, the British Commander-in-Chief, and to Sir John Laforey, the Admiral on the station, to attack the Island of Tobago, which capitulated without resistance on the 17th April, 1793.

The news of the declaration of war and the prompt measures which followed upon it raised the hopes of the Royalists in Martinique, and they succeeded in forming a party sufficiently strong to give a great deal of trouble to Rochambeau. Animated as they were by a spirit of devotion to the Monarchy, the news of the execution of Louis XVI. enraged them beyond all measure, and every fresh account of the wrongs endured by the Royal family and its adherents added

* The intelligence that the counter revolution had thus come to an end in Martinique was communicated to the Convention by a letter from General Count Dillon, addressed to the President of the Assembly, and conceived as follows:—

“CITOYEN PRESIDENT,

“Je viens de recevoir une lettre qui m’annonce que la Martinique est rentrée sous les lois Françaises, et que les contre révolutionnaires en sont partis. Le 9 janvier dernier l’Assemblée Coloniale a pris un arrêté qui, cassant celui par lequel elle mettait la Colonie sous la protection des puissances coalisées, porte une reconnaissance formelle de la Souveraineté de la France sous quelque gouvernement qu’elle soit.

“Cette Assemblée a réquis le Gouverneur de faire promulguer tous ses décrets.

“Le 10, Béhague et plusieurs autre contre révolutionnaires sont partis pour la Trinité Espagnole, arborant le pavillon blanc.

“Fitzmanrice, Gouverneur actuel de cette Colonie, a fait arborer le pavillon tricolor

“DILLON.”

to their exasperation. The same spirit of chivalrous devotion to the cause of their hereditary Sovereign which was so often displayed by the Royalists in France at that gloomy period, was found to exist amongst the Creoles of Martinique. One of their most distinguished leaders, the Chevalier de Perçin, once exclaimed: "Si dans cent ans on exhume mes ossemens et qu'on les heurte les uns contre les autres, le son qui en sortira sera celui de *"Vive le Roi!"*" and this sentiment was common amongst the majority of the planters of the Colony.

Headed by de Perçin the Royalists established themselves in a position called the "*Camp Décidé*," not far from Fort de la République (now called Fort de France) which was attacked by Rochambeau himself at the head of a strong body of troops, accompanied by field artillery, on the 15th April, 1793. The Royalists, however, maintained their position, and after a sanguinary combat, Rochambeau was forced to retire.

This success and others of a like nature not only gave courage to the Royalist planters, but, when known in the neighbouring Islands, induced many of those who had left Martinique to return thither. It has been already stated that de Rivière when he left Martinique had sailed to Trinidad. He was determined not to serve under the Convention, but the traditional hatred of the English, which was stronger in the navy than even in the army of France, deterred him from joining Sir John Laforey, and he offered himself, his vessels, and the sailors under his orders, to Chacon for the service of the King of Spain. With characteristic timidity Chacon would do nothing without orders, and de Rivière was still waiting in the Gulf of Paria for the answer from Madrid, when a deputation arrived from the planters of Martinique begging him to come to their aid, a request with which he at once complied, taking with him the *Ferme* and the *Calypso*.

This additional strength gained by the planters caused Rochambeau fresh anxiety. He prudently declined for the present to renew the attack upon the Camp Décidé, which, since de Rivière's arrival, had been made even stronger than it had been before, but determined to reduce other strongholds of the Royalists, which he hoped to find not so well defended.

The most important of these was Morne Vertpré, one of the highest peaks of Martinique, towering more than a thousand feet above the level of the sea. It has three summits separated from each other by only a few hundred paces. The northern point affords a tolerably large *plateau*, but the other two command it, and are less easily attacked. On these two heights the planters entrenched themselves behind some earthworks and ditches. One part of their position they considered sufficiently strong without any artificial aid, because the whole surrounding districts belonged to their adherents. This was the *plateau* known as Gros Morne, which was occupied by two of their leaders, de Catalogne and Godin de Soter. This over-confidence, however, proved fatal to them, for one of the Republican leaders, a man of colour named Laudar, succeeded in passing the outposts in that direction and attacked Morne Vertpré on the west.

This created a disorder among the planters of which Rochambeau was not slow to take advantage. He ordered an advance of his troops, and the planters, seeing themselves surrounded on all sides, fled in confusion. Rochambeau, knowing that a number of women and children were amongst the fugitives, not only did not pursue them, but sent a message to them to the effect that he would give them ample time to get on board the ships in the harbour which were then loading with sugar, an offer of which they took advantage, the greater number of them seeking refuge in Dominica.

This defeat, however, by no means disconcerted the Royalists in the Island, more especially as they had reason to believe they were soon to receive material aid from elsewhere.

In the preceding year (1792) the Royalists of Martinique and Guadeloupe had each sent a deputy to Europe—Duboc and Clairfontaine. The Representatives of the two Colonies had met the exiled Princes of the House of Bourbon in London, and had there held consultation with them as to the line of action which should be adopted by their adherents in the Colonies.

The English Government had hitherto preserved a strict neutrality, and hereditary enemies as the two countries were, and with the aid recently given to the North American Colonies as a more than sufficient cause for retaliatory action, England for a long time

shewed great forbearance towards her ancient foe, then almost prostrated by internal dissensions. This was even admitted by the French themselves. "There is but one nation," said M. Kersaint, in the National Assembly, on September 18, 1792, "whose neutrality on the affairs of France is decidedly pronounced, and that is England."*

It soon, however, became impossible for England to continue in this position, owing to the aggressive attitude assumed by the Convention, and matters had at length been brought to a crisis by the execution of Louis XVI. On that event being known in London, the French Ambassador, M. Chauvelin, received notice to leave the British Dominions within eight days, and on the 5th February, 1793, a fortnight after the death of the King, the French Convention unanimously declared war against Great Britain.

One of the natural results of this rupture between the two countries was that the Royalist party looked to England not only as a secure refuge, but for material aid. They were not disappointed in either expectation, and Dubuc and Clairefontaine obtained several interviews with Pitt, who then controlled the whole policy of the British Empire. Dubuc declared to the English Minister that the appearance of an English fleet before Martinique would suffice to rescue the Colony from the Republicans; but he stipulated that after they had been driven out, the white flag of France should be hoisted on the Forts as a sign that the English, although holding them as a measure of precaution, did not exercise any sovereignty in the Island. This was agreed to, and an expedition was fitted out at Portsmouth, the fleet being under the orders of Admiral Gardiner, and the troops under those of Major-General Bruce, a number of French Royalists enrolling themselves amongst the latter as volunteers.

This fleet appeared off Martinique on the 11th June, and were there joined by de Rivi re with his three vessels—the *Ferme*, the *Mar chal de Castries*, and the *Elizabeth*.

M. Sydney Daney, in the fifth volume of his *Histoire de la Martinique* (p. 348) after describing the arrival of de Rivi re, relates an anecdote which is not to be found in any of the English accounts of

* Annual Register, xxxiv., 181.

this expedition, but which, whether authentic or not, seems to be a local tradition generally believed in that Colony :—

“L’amiral Anglais voulant tirer profit de sa situation et de la supériorité de ces forces, réclama du commandant Français de ranger ses navires parmi les vaisseaux Anglais et sous les ordres du gouvernement Britannique, et pour montrer qu’il était prêt à appuyer sa réclamation par la violence, il fit mouiller à tribord et à babord de la *Ferme*, deux de ses vaisseaux, le *Culloden* et l’*Annibal*. De Rivière, qui avait préféré demander au gouvernement Espagnol de prendre ses navires à son service, répondit catégoriquement à l’amiral Anglais qu’il aimait mieux se faire sauter que de se prêter à une acte semblable.

“Il venait de recevoir du Gouverneur de la Trinidad la réponse du Cabinet de Madrid qui acceptait les offres de service du marin Français. Il se rendit à bord de l’amiral Anglais, et, comme celui-ci persistait à réclamer les navires Français au profit de son gouvernement, sur un signal fait par de Rivière, le Vicomte de Turpin, jeune élève de Marine qui éte resté dans le canot de son commandant, arbora immédiatement la flamme et le pavillon Espagnol. L’Espagne n’était pas en guerre avec l’Angleterre, et il fallut dès ce moment que Gardiner renonçât à ses prétentions.”

It is strange that if this incident did occur no mention of it should have been made in the official despatches of the British Commanders, for had Admiral Gardiner thought it right to compel de Rivière to comply with his request, he would scarcely have been deterred from doing so by the mere fact of the latter hoisting the Spanish colours. The whole story, indeed, is most improbable : no sensible man would have run the risk of offending his allies by endeavouring to coerce them in the manner described, but the assertion is one of many instances of the way in which the conduct of the English has been misrepresented by the same writer

The British Commanders now decided upon disembarking the troops. On the 14th the French Royalists, to the number of six hundred, landed under the orders of Colonels Gimat and Malherbe. On the 16th about eleven hundred British troops disembarked, and the combined forces entrenched themselves a few miles from St. Pierre, under the protection of the guns of the fleet.

On the morning of the 18th, before day-break, the Royalist troops commenced to march upon St. Pierre, passing by the wooded hills above the town. Rochambeau, foreseeing that this would be

their plan of attack, had, on the previous night, posted several bodies of men on the heights of Morne Carbet with the object of harrassing the enemy as they came up. The Royalist columns, headed by Malherbe, marching by a winding road leading round Morne Vert, were exposed to the fire of these concealed enemies. A turn of the road brought them unexpectedly face to face with de Gimat's column, from which they were only separated by a field of manioc, and the alarm caused by the fire of Rochambeau's troops, added to the obscurity of the early morning, led de Gimat's men into a fatal error. They mistook the troops under Malherbe for the Republican forces and opened fire upon them. Their fire was returned with murderous effect, de Gimat himself being severely wounded, and a hand to hand combat seemed inevitable, when Malherbe, discovering the terrible mistake that had been committed, succeeded in making his voice heard by both parties, and put an end to the slaughter. By this time the day was sufficiently advanced to enable the Royalists to perceive the extent of the mischief which was so considerable as to preclude the idea of continuing the attack, and they retired much disheartened to their camp. The English Commanders, who had been led to believe that they only had to appear off the Island for the planters to rise *en masse*, found that they had been misled, and not deeming the forces at their disposal sufficient to cope with the Republicans, decided to withdraw from their attempt.

The Royalists now felt their position to be most critical, and not unnaturally dreaded the vengeance which would be wreaked upon them by the Republicans after the departure of the British. Accordingly, from every corner of the Island whole families—men, women, and children—accompanied in many instances by their slaves, hurried to implore a refuge on board the vessels of the fleet.

The French historian already quoted gives the following version of what then occurred:—

“De Rivière reçût sur la *Ferme* et le *Maréchal de Castries* autant de monde que ces deux bâtimens pouvaient en contenir, et leur chaloupes sur lesquelles le jeune Vicomte de Turpin présidait à l'embarquement précipité de ses compatriotes, firent de nombreux voyages du rivage aux vaisseaux, pour mettre à l'abri une partie de cette population consternée et fuyant à regret une patrie désolée.

“Tous ne pouvant trouver un refuge sur ces deux vaisseaux Français et quelque petits navires marchands qui s'étaient aussi approchés, il fallut avoir recours à l'escadre Anglaise.

“Quels ne furent pas la surprise et l'effroi de ce reste de population lorsqu'il apprit que le chef Anglais refusait de l'admettre à son bord !”*

The official despatch of Major-General Bruce, dated 23rd June, 1793, gives a very different account.

In this despatch, after detailing the unsuccessful issue of this expedition, the Major-General continues:—

* * * * *

“As the Royalists would certainly fall sacrifices to the implacable malignity of the Republican party as soon as we quitted the Island, it became in a manner incumbent on us, in support of the national character, to use our utmost exertions to bring these unhappy people from the shore; and although the necessity of impressing such vessels as could be found, and the purchasing provisions from the merchant vessels attending the army, will incur a great expense, I have ventured upon it, trusting to the generous and humane disposition exhibited by the nation on all similar occasions, and being perfectly assured of finding in you an advocate for rescuing so many unfortunate persons from certain death.

* * * * *

“THOMAS BRUCE,†
“Major-General.”

The narrative given in James' Naval History also differs considerably from that of the French author just quoted.

At page 115, vol. I., of that work the following passage occurs:—

“The knowledge of what treatment the Royalists were likely to experience if they fell into the hands of the Republicans induced Major-General Bruce to hire vessels to bring them off; and the Vicomte de Rivière, placing himself and his two vessels under the orders of the British Admiral, saved a great number of his unfortunate countrymen. By this prompt measure some hundreds of the loyal inhabitants—white, brown and black, escaped being massacred, and were afterwards distributed as settlers among the different Islands. . . . Soon after this Admiral Gardiner sailed for England, and the *Ferme* and the *Calypso* joined the Spaniards in Trinidad.”

As soon as the news of the failure of Bruce's expedition reached England the Ministry resolved to despatch to the West Indies such an

* Histoire de la Martinique, vol. v., pp. 352-53.

† State Papers.

armament as would suffice not only to reduce Martinique but to dislodge the French from every one of their possessions in that part of the world. Orders were accordingly issued for the embarkation of fourteen regiments of infantry, mustering eleven thousand men. A fleet of four first-rate ships-of-war and nine frigates, besides smaller craft, were fitted out to convey the troops to the West Indies and there to act in concert with them. The command of the land forces was entrusted to Sir Charles Grey; that of the fleet to Vice-Admiral Sir John Jervis, but before the expedition left England, the land forces were reduced by nearly five thousand men, who were detached for service elsewhere.

In January, 1794, the British fleet cast anchor in Carlisle Bay, Barbados, and a month later sailed for Martinique, having on board six thousand effective troops, who, on arriving at their destination, landed at three different points, and immediately met with a most obstinate resistance. The Republicans, who scarcely numbered more than one thousand men under arms, disputed the ground literally inch by inch, one of the most distinguished amongst them being a mulatto General, named Bellegarde, who showed great bravery and intelligence. It was only on the 25th March, seeing further resistance was hopeless, that General Rochambeau capitulated and Martinique fell into the hands of the British.

A few weeks later St. Lucia yielded to the British arms, and then the English commanders turned their attention to the important Colony of Guadeloupe. This Island was forced to capitulate on the 21st April, and thus the last of the French Colonies in the Windward Isles fell into the hands of the British, who were not however destined long to remain in quiet possession. Yellow fever, the dread enemy of Europeans in the West Indies, had broken out amongst the troops, and one of the first victims who succumbed to it was Major-General Dundas, the Governor of Guadeloupe. Almost at the same time a considerable French armament made its appearance off Point-à-Pitre. Before any assistance could be given by the English fleet, although no time was lost by the Admiral in sailing for Guadeloupe on the receipt of this intelligence, the French had effected a landing, and obtained possession of the town and of the forts by which it was defended.

Their force consisted of two frigates, a corvette, two large ships armed *en flute*, and two other vessels, with a military force of fifteen hundred regular troops. The English in the Island, aided by the reinforcements which soon after arrived, kept up a steady resistance to the invaders which lasted until the approach of the rainy season, when the English commander, dreading the effects of the climate upon his men, decided upon making an effort to finish the campaign at a single blow, the result of which was thus reported by General Grey:—

“On the evening of the 1st instant (July, 1794) Brigadier-General Symes marched from Morne Marcot with the 1st Battalion of Grenadiers, the First and Second Battalions of Light Infantry, and the First Battalion of Seamen, commanded by Captain Robertson, to attack the town of Point-à-Pitre before daybreak on the 2nd, but being misled by their guides, the troops entered the town at the part where they were most exposed to the enemy’s cannon and small arms, and where it was not possible to scale the walls of the fort; in consequence of which they suffered considerably from round and grape shot, together with small arms fired from the houses, &c., and a retreat became inevitable.*

This attack having failed it was determined to relinquish for the moment any further attempt to retake Grande Terre,† and to direct all the efforts of the British to fortify their position in Basse Terre.

The head-quarters of the British army in Guadeloupe were at Berville, in a commanding position, flanked by the sea on one side, and on the other by an impassable morass. This last, however, proved to be a danger rather than a protection. Malarial fevers broke out amongst the troops, and by the middle of August the majority of them were on the sick list. To such an extent, indeed, had disease spread among them that in the month of September the 43rd Regiment could not furnish a corporal’s guard for its own camp.

The French troops in Guadeloupe were at this time under the orders of a man whose name is to this day remembered in that Colony with horror. Victor Hugues, the newly arrived Commissary of the Convention, was born in Marseilles in a very humble station of life, and in his early youth was apprenticed to a hair-dresser. It was to follow this trade that he originally went to Guadeloupe, where

* Bryan Edwards’ History of the West Indies, vol. III., p. 468.

† Guadeloupe consists of two Islands, divided by a narrow arm of the sea, called La Rivière Salée; the Eastern Island is called Grande Terre, and the Western, Basse Terre.

he subsequently went into business as an inn-keeper. From a letter addressed by him in 1792 to the French Minister of the Interior it appears that he left Guadeloupe for St. Domingo, where, as he informed the Minister, the *émigrés* were collecting in great numbers. In the same letter, after stating that his brother had been murdered by the revolted slaves, and that he himself had been ruined owing to his patriotism, he furnished many details concerning the Colonies generally, of which he had had a long and varied experience. He furthermore stated that those whom he designated as the "*bons colons*" (by which expression he evidently meant those not belonging to the aristocratic party) were staunch Republicans, adding that the Minister must not judge of the state of public feeling in the Colonies by what emanated from the *habitués* of the Hôtel Massiac. He wound up his letter (which was published at full length in the *Moniteur* of 26th October, 1792) by offering his services to the State. He seems to have attracted the attention of Robespierre and at length became a Deputy to the National Assembly. In 1794 he was named Commissary of the Convention for Guadeloupe and the French Windward Islands, with full control over the army and navy, and it was whilst filling this post that he showed himself to be a true disciple of Maximilian the "*Incorruptible*."*

He was not deficient either in courage or capacity. Observing the great losses the English had sustained from the effects of the climate, he drew to his service as many black and coloured followers as he could collect, with whom, as soon as he had succeeded in instilling into them some notions of military discipline, he attacked the British camp. In this enterprise he was thoroughly successful, and General Graham, the British Commander, was forced to capitulate. To the British, Victor Hugues showed some consideration, but towards the French Royalists he was inexorable. Upwards of three hundred of them were prisoners in his hands, and mercilessly did he exercise his power. Fifty of them were at once guillotined, but that mode of punishment was not found sufficiently expeditious, and the remainder were shot in batches in the trenches they had so nobly defended.

* See App. Victor Hugues.

General Prescott with a small but gallant band still held Fort Matilda, and for two months the French in vain besieged it. At last, when both provisions and ammunition were exhausted, the position became no longer tenable. On the night of the 10th December, 1794, the garrison silently evacuated the fort, under the able management of Captain Richard Bowen of the *Terpsichore*, to which ship they were conveyed so quietly that the French continued to bombard the empty fortress until the next morning.*

By the evacuation of Fort Matilda Victor Hugues became master of Guadeloupe. His very first act furnished a proof of what was to be expected from him, and indicated clearly enough in what political school he had been trained.

On the 12th December, 1794, he issued the following Proclamation :—

“LIBERTY—LAW—EQUALITY.

“Victor Hugues, Delegated Commissary of the National Convention to the Windward Islands.

“Whereas the crimes committed by the British Officers, as well in the capture as in the defence of the conquered Islands, exhibits a character of villainy, so consummate and odious as has not its parallel in history ; and whereas the rights of humanity, of war, and of nations, have been violated by General Charles Grey, Admiral John Jervis, Major-General Thomas Dundas Governor of Guadeloupe, Charles Gordon a General Officer, and other subaltern officers who imitated them ; and whereas also the record of the robberies, murders, assassinations and other crimes committed by them ought to be transmitted to posterity : it is resolved that the body of Thomas Dundas, interred in Guadeloupe, 3rd June (slave style), shall be taken up and given a prey to the birds of the air ; that upon the same spot there shall be erected, at the expense of the Republic, a monument bearing on one side this Decree, and on the other side the following inscription :—

“This ground, restored to liberty by the bravery of Republicans, was polluted by the body of Thomas Dundas, Major-General and Governor of Guadeloupe, for the j.....f..... George III. In recollecting his crimes the public indignation caused him to be disinterred, and has ordered this monument to be erected to hand them down to posterity.

“VICTOR HUGUES.

“VIAL, Secretary.”†

* James's Naval History, vol. i., page 225.

† State Papers, vol. VII., part i., 1795.

Two months later another Proclamation was issued by Hugues and his brother Commissioners, Goyraud and Lebas, in which they boasted that six hundred French Republicans and two French frigates had conquered the Island of Guadeloupe, and that six thousand chosen troops, six line of battle ships, and twelve frigates had surrendered to them. On the same day they addressed a letter to the British Commanders, in which they declared that for every Republican of no matter what colour who should be put to death by them, two of the English prisoners in Guadeloupe would be guillotined, and that all French Royalists who had joined the English would, if captured, be put to death without mercy. The savage Hugues, if we are to believe the Rev. Cooper Willyams of the *Boyne*, Sir John Jervis' ship, did not even wait for any such provocation. In his history of the campaign in the West Indies he states: "That among the English prisoners captured by Victor Hugues were a number of sick and wounded. These unhappy men made an humble petition for medical attendance and fresh provisions. Their request cost them their lives, for Victor Hugues, instead of treating them as objects of commiseration, caused them all to be bayoneted in cold blood, not sparing in his rage even women and children."*

Not satisfied with having regained possession of Guadeloupe, Victor Hugues and his associates endeavoured to excite revolts against the English in the neighbouring Colonies. Their first attempt was to rouse the Caribs of St. Vincent by the following Proclamation, which they contrived to distribute among them:—

"LIBERTY—LAW—EQUALITY.

"The Commissioners, delegated by the National Convention to the Windward Islands, to General Chatoyer, chief of a free nation (*i.e.*, the Caribs of St. Vincent).

"The French nation in combating with despotism is allied to all free people: it desires nothing but liberty. It has always sustained the Caribs against the vile attempts of the English. The time is arrived when the ancient friendship between the French people and the Caribs ought to be renewed. They should exterminate their common enemy, the English.

"We swear friendship and assistance in the name of the French

* Bryan Edwards' History of the War in the West Indies, chap. IV., p. 476.

nation to you and to your comrades. We send one hundred guns and three hundred weight of powder, two hundred cartridges, five hundred flints, and four barrels of salt provisions, which you will share with the French people who are with you.

"Attack! Exterminate all the English in St. Vincent; but give means to the French to second you. We have nominated citizen Toraille Captain, and citizen Michael Mather Lieutenant of the Infantry of the Republic. We shall send them to you with divers things, which we beg you and your brother to accept; likewise a sabre and a ham to each of you, and a cask of wine and two barrels of salt.

"Port of Liberty, the 25th Ventose, 3rd year of the French Republic, One and Indivisible.

"VICTOR HUGUES."*

These acts of the ferocious Commissary of the Convention were fully approved in Paris, for when on the 17th Thermidor (15th August, 1795) Defermont, in the name of the Committee of Public Safety, announced to the Convention the receipt of despatches conveying the news of the recapture of Guadeloupe by the Republican troops and reporting that two thousand two hundred English had been taken prisoners, he exclaimed in the course of his speech: "L'étendard tricolor flotte à St. Lucie, à la Grenade, à St. Domingue; à St. Vincent nous avons reveillé les sentiments des Caribes qui ont déjà exterminé une partie de leurs oppresseurs. . . . Les Anglais sont abhorrés dans toutes les Colonies," and these words were received with the most enthusiastic applause.†

These blustering and untruthful statements on the part of the French Commanders naturally excited the indignation of the English, and a declaration was drawn up and signed by Sir John Vaughan and Admiral Caldwell to refute them. Owing to the death of General Vaughan it was not published at the time; but this does not affect its authenticity or disprove the truth of the statements contained in it.

After asserting that the war in the West Indies had been carried on by the troops under their orders in accordance with the rules of civilized warfare, the British Commanders expressed their regret that such had not been the case with their opponents. "Instead,"

* State Papers, vol. VII., part 1., 1795.

† *Moniteur*, 9th August, 1795.

they said, "of fair and honourable means of warfare, arts, practices, and adverse operations have been introduced, long since exploded by the usages and opinions of civilized nations. Proclamations have been from time to time issued teeming with arrogance, replete with falsehoods.

"It will be found that the horrors and calamities of war have been aggravated by the French Commanders to an extent never before known, even to the most rude and barbarous nations. Neutral States might doubt that a Chief of a nation which claims to be civilized, disturbed the long-buried remains of a soldier; yet they must credit it when they read that Chief's Proclamation glorying in having disinterred the earthly part of Major-General Dundas, and thrown it to the winds!

"The sick and wounded British soldiers found in the town of Petit Bourg in the Island of Guadeloupe were all indiscriminately put to the sword. The sick and wounded at Berville Camp were suffered to perish without medical assistance, without fresh provisions, and without comfort of any kind.

"The loudly proclaimed and much vaunted exploits and successes of the Republican armies in the Islands of Grenada and St. Vincent would make any other European nation blush to be engaged in. . . .

"In the Island of Grenada the principles of revolt were sown with silent diligence amongst the slaves. The minds of the French white and coloured residents (subjects of Great Britain since the cession of the Colony in the year 1762) were excited to treason and rebelled. A handful of Republicans who had stolen into the Island were sufficient to light the flame; it blazed forth in the night, and, like all other plans in which such diabolical agency is exercised, the footsteps of the perpetrators were marked with slaughter, plunder and devastation. One enormity stands horridly prominent in this picture of modern Republican warfare, the murdering in cold blood of forty-four gentlemen of the Island of Grenada, at the head of whom was Lieut.-Governor Home. . . .

"In the Colony of St. Vincent the specimens of Republican hostility have been equally outrageous, sanguinary and unprecedented
.

"We, therefore, the undersigned Commanders-in-Chief of His Majesty's Land and Sea Forces in the West Indies, do hereby declare that no acts have been committed by us, or those under our command, in these Islands, contrary to the known rules of war, or usages of civilized nations; and that if punishments have been inflicted in the Islands of Grenada and St. Vincent, they have been lawful and just retributions for treason, rebellion and murder.

.""*

The French Commanders had been exceedingly irritated by the fact that whenever one of the French Islands fell into the hands of the British, all Republicans, or at least all who prominently put themselves forward as such, were sent away, and their angry utterances on this head found an echo amongst those merchants both in Great Britain and in the Colonies, who, looking more to their personal interests than their patriotism, had taken advantage of the embarrassed position of the French planters and invested considerable sums upon estates in the French Colonies. It did not suit these individuals that the Colonies in which they had so embarked their money should fall into the hands of any foreign power. as they, of course, would be the losers by any depreciation in the value of properties resulting from their capture. They did not, therefore, hesitate to make the most serious accusation against the English Commanders, Sir Charles Grey and Sir John Jervis, who they represented as having violated all the rules of civilized warfare, and as having abused their conquest to extort from the conquered Islands an exorbitant contribution, and these complaints they carried to the foot of the throne. In August, 1794, the Duke of Portland, then Secretary of State for the Colonies, received a series of memorials from the West Indian proprietors, praying that the Land and Sea Forces of His Majesty in the West Indies might be augmented considerably, and at the same time criticizing most severely the conduct which till then had been pursued by the British Commanders, whom they specifically charged with having exacted a contribution in money from the proprietors of Martinique, which contribution they alleged had been levied alike upon Royalists

* State Papers, 1795.

and Republicans, whether friends or foes of England. Some of the memorialists affected to speak in the interests of morality and civilization; others, more honest, declared themselves to be *bonâ fide* proprietors of estates in the French Islands.

In consequence of these complaints Sir Charles Grey and Sir John Jervis addressed a letter to the Duke of Portland defending themselves from the accusations brought against them, in which they urged that in banishing the Republicans from Martinique and sequestering their estates they had only acted in accordance with their instructions. Instead of any assistance having been rendered them they had met with the most determined opposition, and therefore they had considered themselves entitled to seize all the product of the Island as lawful prize, although they had never interfered with the private property of individuals. After this statement they alleged that the complaints made against their acts came from "British adventurers who went to Martinique for the purpose of purchasing prize property, and who found themselves extremely disappointed upon discovering that the captors had taken such measures as were most likely to obtain a fair price for it." Many of these adventurers, they stated, had long been in the habit of carrying on commerce with the French Islands, and were deeply connected with planters and merchants in Martinique who were opposed to the occupation of that Island by the British.

In support of these assertions the Commanders quoted an extract from a letter addressed to a mercantile firm from their correspondent in St. Vincent, dated 14th April, 1794, and which was to the following effect :—

"Our Mr. ——— only returned last night from Martinique, where he went to see *what could be done in the way of speculation*. He found a wonderful collection of people from all the Islands, but every one equally disappointed."*

This gentleman, like many others, appears to have entertained the notion that as a matter of course all the advantages of the conquest were to be gained by the mercantile body, and great was the

* State Papers, vol. III., part I., 1795.

disappointment when it was found that the British Commanders were determined not to allow these speculators to enrich themselves at the expense of the army and navy, to whose bravery the conquest was due.

The memorialists were, however, possessed of sufficient influence to procure the recall of the Admiral and the General from their respective commands. They even endeavoured to obtain from the Ministry a formal disavowal of their acts, but in this they did not succeed, as will be seen from the following letter addressed by Mr. Secretary Dundas to Lord Penrhyn :—

“ Horse Guards,
“ 8th May, 1795.

“ MY LORD,

“ I have received your Lordship’s note, accompanying the Memorial of the West India planters and merchants, praying for a strong military force both by sea and land for the general protection of the West India Islands, and a separate garrison to be stationed in each Island ; also for a public disavowal of the Proclamations issued by Sir Charles Grey and Sir John Jervis.

* * * * *

“ With regard to the Proclamations to which you refer. . . . it is notorious that they were abandoned or annulled so soon as they were issued ; and it must be mere pretext if such use is made of them as you seem to apprehend.

“ I object, therefore, to the proposition of the West India planters and merchants because they call upon His Majesty’s Ministers to establish a general rule on a subject which, in the various usages of war, does not admit of a special definition, and if the matter occurs to you in the light it does to me, I am sure you cannot be disposed to continue a discussion which can have no other tendency than to injure the feelings of meritorious officers to whose great exertions their country is much indebted, and particularly that part of the British Empire in which the West India planters and merchants are so deeply interested.

“ I have, &c.,

“ HENRY DUNDAS.*

“ Evan Nepean, Esq.,

“ Secretary to the Admiralty.”

The recall of the Commanders did not, however, give unmixed

* State Papers, vol. III., part I., 1795.

satisfaction. The French Royalists in Martinique and the other Islands especially regretted their departure, and took every means in their power to disprove the charges brought against them. Amongst other things which were done to vindicate their conduct, a document was drawn up by the Supreme Court of Martinique, and signed by its President, in which, after mentioning that in the Proclamation issued by the British Commanders on the capture of Martinique, they had declared it was necessary to send away "all guilty people and all individuals dangerous to society," the memorial continued: . . . "of what was composed the set of people of which Sir Charles Grey endeavoured to exonerate the Colony? Whites mostly stained with crimes, all instigators or agents of destruction or conflagration—people of colour entirely lost in guilt; and slaves armed against their masters. . . . Could any tranquillity be expected in the Colony by forcing the colonists to remain surrounded by those who had murdered their relations, their friends: who had plundered and committed to the flames their property, and who were still in the same disposition of mind?"

The memorial then alluded to the case of Guadeloupe, "which had been only partly cleared of these dangerous individuals," and it was asked what had occurred there? A small armament from the Republic arrived: the Republican Chiefs were at first at a loss; they hesitated, and were almost ready to quit the coast, but soon received aid from the Republicans on shore, and the Island was speedily retaken. . . ."

This memorial was signed by the President of the Court, M. La Hante.*

The foregoing documents prove clearly what were the political opinions of the persons who were driven from the French Islands at this time, and who took refuge in Trinidad, bringing with them all the ideas which had rendered them objects of alarm to the authorities in the Colonies they had left and an intense hatred towards the English, which only needed such an occasion as the landing of Vaughan in Port-of-Spain to declare itself.

* State Papers, 1795.



CHAPTER VII.

THE preceding chapters, which, it is to be hoped, the reader has not found uninteresting, were absolutely necessary to this work, in order to give some idea of the state of society in Trinidad immediately before its capture, and also of the causes which had produced so strange an admixture of various and discordant elements. They will also explain why there was a large French population in a Colony which had never belonged to France, and how it had come to pass that the refugees from the French Islands had made Trinidad their home.

The French navy at the commencement of the war was in a most deplorable state,* but, as we have already seen, a swarm of privateers infested the Caribbean Sea and harrassed the British traders. That they were indeed something more than privateers was generally believed, and it was on that ground Skinner had urged upon Chacon that it would be no violation of territory, or infringement of the laws of nations to attack, even in the Gulf of Paria, those who, under the name of privateers, were neither more nor less than pirates. That there existed good grounds for believing such to be the case is clear from evidence that even the most ardent partizan of the acts of the French Republicans of the last century cannot deny to be conclusive.

On the 17th February, 1796, Captain James Athol Wood, commanding a British cruiser, wrote as follows :—

“H.M.S. *Favourite*,

“Grenada, Feb. 17th, 1796.

“SIR,—Since I did myself the honour of writing to you on the 7th

* When the Convention declared war against England in February, 1793, the French Navy was composed of 66 ships of the line, 96 frigates and corvettes. But what greatly detracted from the efficiency of the French Marine at this time also was the fact that the best and most experienced officers being Royalists had emigrated. At this period the Naval force of Great Britain was 183 ships of the line, 22 fifty-gun vessels, 125 frigates and 108 cutters.

inst., H.M. Sloop under my command has captured two French privateers and run one on shore within the Bocas on the Island of Trinidad : at the same time the *Alarm* and the *Zebra* captured a privateer to leeward of us and retook two schooners.

"The name of the largest privateer captured by the *Favourite* is the *General Rigaud* of eight guns and forty-five men, mostly Italians and Spaniards, a most desperate set, *without any commission* ; the small one was lately the *Hind* packet, taken off St. Vincent.

"The men jumped overboard and got ashore before we could take possession of the *Hind* ; the name of the privateer run ashore is the *Banana*.

"I have, &c., &c.,

"JAS. ATHOL WOOD."

It may be said that this is hostile testimony, and as such, to be received with suspicion ; the same objection cannot be urged against the Proclamation of André Rigaud, Commander-in-Chief of the Southern Department of St. Domingo.*

In this instrument Rigaud referred to "reiterated pillages committed by the crews of some privateers on board of vessels fallen into their hands by the chance of war," and added, "we have seen with indignation and surprise French Republicans forgetting what they owe to themselves and what they owe to the rights of nations ; . . . they have committed pillages, they have taken provisions by force, they have maltreated the people very much. Undoubtedly Republicans ought to make war generously, not as pirates."

After this strong statement of existing malpractices there followed a series of very stringent regulations as to the future conduct to be observed by the privateers, which regulations were to be read to the crews every time they went upon a cruise.

This document was signed by "André Rigaud," the Commander-in-Chief, and "Louis Gavnon," the Governor of the Southern Province of St. Domingo, and was dated the "1st Thermidor, third year of the French Republic, One and Indivisible" (August, 1794).†

* André Rigaud was a man of colour of great sagacity and energy. He was at the head of the people of colour and whites of the poorer classes, who adhered to the government of the Directory, and was the principal opponent of Toussaint l'Ouverture, who strove for complete independence.

† State Papers, 1795.

Shortly after Spain had declared war against Great Britain, the following instructions were issued to Sir Ralph Abercromby, who was then the Commander-in-Chief of the British Forces in the West Indies :—

“The Island of Trinidad is pointed out as the source of great mischief to the British Islands, being a shelter for privateers who annoy their trade, and as affording an asylum for bad people of every description, who man the privateers and row boats which make depredations upon the coast, carrying off slaves and property ; it is therefore recommended to Sir Ralph Abercromby, if he can collect a sufficient force without exposing the British Islands, to make an attack upon Trinidad, and if the force he can spare should not be sufficient to keep possession after he has taken it, to make the attack notwithstanding, for the purpose of destroying or carrying away all military stores and arms that he may find there, and to seize upon and send to England the brigands and mischievous people who have made that Island their home.”

There need have been little doubt in the minds of the Ministry as to the ease of both taking and holding Trinidad, which, but for a mere chance would have been found with scarcely any troops and no naval force whatsoever. Immediately after the breaking out of hostilities between England and Spain had become known in the West Indies, the *Alarm*, then commanded by Captain Fellowes, had made a capture seriously affecting Trinidad. The following is the official report :—

“*Prince of Wales*,

“Port Royal Bay, Jan. 18th, 1797.

“SIR,—Be pleased to acquaint their Lordships that Captain Fellowes in H.M.S. *Alarm*, being on a cruize off Grenada on 23rd November last, fell in with a Spanish Brigantine-corvette called the *Galgo*,* carrying eighteen six-pounders, six swivels, and one hundred and twenty-four men, commanded by Don ———, from Porto Rico, bound for Trinidad, having on board \$30,355 and some provisions for the Government of that Island, which he captured and carried into Grenada.

“I have, &c., &c.,

“HENRY HARVEY.”

Towards the end of 1796 an expedition, under the command of

* This was the vessel referred to in Chacon's Despatch and to the loss of which he partly attributed his inability to make a better defence of Trinidad on the arrival of the British forces.—See App. : Despatches relative to the capture of Trinidad.

Admiral Don Sebastian Ruiz de Apodaca, sailed from Cadiz, bound for Sta. Marta de Cartagena, having on board about 700 rank and file, chiefly recruits, intended for that garrison.

The fleet consisted of—

| | | | |
|--------------------------------------|-----|-----|----------|
| The <i>San Vicente</i> (flagship)... | ... | ... | 84 guns. |
| „ <i>Gallardo</i> ... | ... | ... | 74 „ |
| „ <i>Arrogante</i> ... | ... | ... | 74 „ |
| „ <i>Santa Cecilia</i> ... | ... | ... | 36 „ |

The Admiral's orders were to call at Trinidad, and if the Governor was apprehensive of an attack, to leave the whole, or part, of these troops to aid in the defence of that Colony. On reaching Trinidad Apodaca found that Chacon was daily expecting to be attacked by the British and therefore not only were the troops at once landed, but the fleet also remained in the Gulf.

The Spanish vessels were anchored off the north eastern point of the Island of Gaspar Grande, which almost entirely closes the Bay of Chaguaramas to the southward. On that point were two small forts, the remains of which are still visible, and the water being of great depth, the vessels could ride at anchor under the protection of their guns. From a military point of view, therefore, this anchorage was well chosen, but the Admiral soon found that he had to contend with an enemy who cared but little for the guns of the batteries, or the advantages of position. The fevers which during the rainy season (and particularly in marshy districts like Chaguaramas) are very prevalent in Trinidad, and to which Europeans, during their first years of residence, are peculiarly liable, soon made fearful havoc among the crews of the Spanish fleet, and in the month of February, 1797, their numbers had been largely reduced by death, whilst of the remainder some were still in the hospital and others were barely convalescent.

The effective forces which Chacon commanded consisted of about five hundred regular troops, one hundred and thirty of whom were stationed in the forts at Gaspar Grande, the remainder being in Port-of-Spain. There existed also a numerically strong Militia Force; but if Chacon's official despatch is to be credited, it was a badly disciplined and utterly untrustworthy body.

It is hardly possible, if we are to judge by the extent of their own preparations, that the British Commanders can have been well informed as to the strength—or rather the weakness—of the Colony they were about to attack.

On the 12th February, 1797, Admiral Harvey, the Naval Commander-in-Chief, left Martinique in his Flagship, the *Prince of Wales* (98), having on board General Sir Ralph Abercromby and his Staff, and sailed for Carriacou, one of the Grenadines (a chain of small Islands lying between St. Vincent and Grenada) which had been fixed upon as the general *rendezvous* of the expedition. So carefully had the arrangements been carried out that the fleet was able to sail from thence on the 15th.

It consisted of the following vessels:—

| | | | |
|-----------------------------|----------|---------------------------|----------|
| <i>Prince of Wales</i> ... | 98 guns. | <i>Arethusa</i> ... | 33 guns. |
| <i>Bellona</i> ... | 7½ ” | <i>Alarm</i> ... | 32 ” |
| <i>Vengeance</i> ... | 7½ ” | <i>Thorn</i> ... | 16 ” |
| <i>Invincible</i> ... | 7½ ” | <i>Favourite</i> ... | 16 ” |
| <i>Alfred</i> ... | 7½ ” | <i>Zebra</i> ... | 16 ” |
| <i>Dictator</i> ... | 6½ ” | <i>Pelican</i> ... | 12 ” |
| <i>Scipio</i> ... | 6½ ” | <i>Zephyr</i> ... | 14 ” |
| <i>Ulysses</i> (armed } ... | 44 ” | <i>La Victorieuse</i> ... | 16 ” |
| Transport) ... | | <i>Bittern</i> ... | 16 ” |
| <i>Terror</i> (Bomb.) ... | | | 3 guns. |

The Land Forces were composed of—

| | | | |
|------------------------------|-----|-------|----------------|
| The 2nd Queen's Regiment... | ... | 700 | Rank and File. |
| „ 3rd Buffs ... | ... | 650 | „ |
| „ 14th Regiment ... | ... | 650 | „ |
| „ 38th „ ... | ... | 730 | „ |
| „ 53rd „ ... | ... | 680 | „ |
| „ 60th „ ... | ... | 640 | „ |
| Royal Artillery ... | ... | 500 | „ |
| Hompesch's German Jagers ... | ... | 1,900 | „ |
| Lowenstein's „ „ ... | ... | 500 | „ |
| Artillery, Pioneers, &c. ... | ... | 700 | „ |
| <hr/> | | | |
| Total ... | ... | 7,650 | „ |

On the afternoon of the 16th February, 1797, the fleet sailed into the Gulf of Paria through the Boca del Drago, or Dragon's

Mouth. The transports, convoyed by the *Arethusa*, *Thorn* and *Zebra*, beat up to Port-of-Spain, passing well to the southward of Gaspar Grande out of range of the Spanish forts and vessels, and anchored for the night about five miles from the town, just off what are now called the Five Islands, then known as Los Cotorras (the Parrots).

The *Alarm*, *Favourite* and *Victorieuse* cruised backwards and forwards during the night to prevent any vessels from leaving the harbour. The rest of the fleet took up a position in a half circle so as to prevent the Spanish fleet from getting out of Chaguaramas Bay, and then Harvey gave the signal to anchor for the night.

With the overwhelming force at their command, the English Commanders felt that they were masters of the situation, and made their arrangements to disembark the troops the next morning, feeling quite safe from any interference from either the Spanish Admiral or the Governor, who indeed were never at any time in a position to offer any serious resistance.

It is true that when Chacon was informed of the approach of the English fleet he endeavoured to reinforce the garrison at Gaspar Grande; but—to quote the words of his own despatch—“so great was the contrast between the strength of the enemy and our (*the Spanish*) weakness, and so great was the terror which it occasioned amongst the Militia and people of the country, that two hundred men ordered to Chaguaramas as a reinforcement to the ships, disappeared altogether into the woods, and, following their example, the same thing was done by the Militia Companies, the officers of which presented themselves, but without their men.”

As may well be imagined, the terror and confusion in Port-of-Spain was momentarily increasing.

The intelligence that the enemy's fleet was approaching the Island had spread like wild fire through the town, and was received with various feelings by the different sections of the community. The old Spanish colonists, most of whom were ardent Royalists, naturally sympathized with the only power which at that time seemed able to sustain the cause of Royalty; yet they could not but feel that the inevitable success of the British arms must bring about the loss of the Colony to the Spanish Crown. The French Royalists, on the

other hand, felt unmixed satisfaction at the prospect of seeing the flag of the ally of Republican France humbled before that of the ally of the House of Bourbon. Those who were filled with rage and disappointment were the French Republicans, who saw clearly enough that the government of Trinidad would shortly pass into very different hands from those of the weak and unsupported Chacon, and that consequently the Island would no longer be a safe place for them.

At an early hour of the 16th, the shore was thronged by an anxious crowd, eagerly watching the distant headland of Punta Gorda which hid from their view the ships of Apodaca, the last barrier of the Spanish Sovereignty in Trinidad, as well as the Bocas through which the invading fleet would enter the Gulf of Paria, and slowly the hours wore on, until at length, about sundown, vessel after vessel, bearing the well-known flag of England, was seen entering upon the broad expanse of water.

Those were not the days of steam, and the leading vessels slowly beat up to the eastward until they reached their destined anchorage off the Five Islands. The anxious spectators next saw the three cruisers under easy canvas sailing to and fro across the Gulf, plainly showing that all egress was barred to the vessels lying in the harbour. During all this time not a shot had been fired from the forts of Gaspar Grande or from the vessels of Apodaca, and when night closed in nothing but the twinkling lights on board of the cruisers, and those of the vessels at anchor off the Islands gave the slightest indication of the presence of the enemy in the Spanish waters.

Still the crowd kept watch, the anxiety and uncertainty being too great to admit of sleep, and the dull hours of the night dragged on as slowly, and as wearily as the previous day. At last, towards half-past one of the morning of the 17th February, the western sky was suddenly lighted up by the flames of a conflagration, which indicated a disaster of some kind in the Bay of Chaguaramas.

At every moment the light became more and more intense, throwing out in bold relief the dark outline of Punta Gorda and illuminating the sea for miles to the southward. Explosion after explosion shook the still morning air, but the anxious listeners were ignorant of the exact nature and extent of the catastrophe.

At nine o'clock in the morning all doubts were set at rest by the arrival of the Admiral in Port-of-Spain. He hastened to the Governor and reported to him that the enemy had taken up position before Gaspar Grande, and that as the forts were without water, and the heights commanding the Bay of Chaguaramas were totally undefended, he had found himself unable to attempt to escape from his critical position without encountering the almost certain risk of capture by the enemy. In this emergency he had assembled a Council of War of the captains of the vessels under his command, and they had unanimously agreed that the ships should be burned at their anchorage rather than that they should fall into the hands of the invaders. He had accordingly put this plan into execution after having first removed all the troops from Gaspar Grande and spiked the guns in the forts.

Apodaca and his staff came to Port-of-Spain by water, having eluded the English cruisers by keeping close in shore ; but the crews from the ships and the troops from Gaspar Grande retired upon the town through the woods of Diego Martin. Owing to the length and difficult nature of the road which they had to traverse, they became dispersed, and only some marines from the ships and a few artillerymen from the forts arrived in time to be of any service in the defence of the town.

The ships, after being abandoned, burned with great fury until near daylight, when, as the fire reached the magazines they one by one exploded and then sunk at their moorings. One line-of-battle ship, the *San Damaso*, escaped the conflagration and became a prize to the British, the flames having been extinguished by the crews of the *Bellona* and the *Invincible*.

In the morning, so soon as it was evident that the Spanish fleet no longer existed, the allied Commanders decided to disembark the troops at once and to advance upon the town, and the landing was effected without any opposition at a point about four miles to the westward of Port-of-Spain.

According to the account given by Chacon, the vessels which accompanied the transports opened fire upon the town, but were kept

at such a distance by the guns of Fort St. Andrew* (as the small fort in the harbour was then called) that their missiles fell short and inflicted no injury. No mention of this circumstance is made by either Abercromby or Harvey, the former of whom states: "We advanced, meeting with little or no opposition," whilst the latter, in his official despatches to the Admiralty, reported that "the troops were all landed in the course of the day, under the direction of Captain Woolley, covered by the *Favourite*, . . . without opposition."

As soon as Chacon was made aware of the landing of the British troops he despatched a body of fifty men under Lieutenant Tornos to reconnoitre the movements of the invaders, with orders to retire should he find that the latter were advancing in force. About two miles to the westward of the town, just where the St. James' Barracks now stand, Tornos met the advanced guard of the invaders, and finding himself outnumbered, he, after exchanging a few shots with them, retired in obedience to the instructions he had received. He reached Port-of-Spain about 5, P.M., and took up a position under the guns of a redoubt crowning one of the spurs of the Laventille hills to the eastward of the town.

After passing the gorge of the Maraval valley, the British forces skirted the base of the hills to the north of Port-of-Spain and established themselves in a position which enabled them to command the two redoubts mentioned by Chacon in his despatch. The Spanish troops were now obliged to retire to a spot behind the Laventille hills to which Chacon, having previously sent all the archives, treasure and valuable documents to St. Joseph, had himself retreated earlier in the day.† Fort St. Andrew was still held by the Spanish troops, but all the rest of the garrison, numbering about three hundred and fifty men, were with the Governor. It must be remembered that in

* This Fort, which is now the lower storey of the Harbour Master's Office and Commercial News Room, was built upon a small Island approachable only by a long stone pier terminated by a drawbridge. In 1797 all the space now covered by the Almond Walk and the Sea lots was open sea.

† St. Joseph, although no longer the seat of Government, was then still a place of importance and was governed by an officer called the Teniente de Justicia Mayor. At the time of the conquest by the British this post was filled by Don José Mayan, who then owned the *Valsayn* Estate in the old house of which, local tradition states the Capitulation to have been signed. The truth of this tradition is supported by the statement of an old lady who survived until 1886, and who, a young girl at the time of the capture, remembered seeing

those days the road now leading to the eastward did not exist, and that the hills to the east of the town terminated to the southward in a dense and impassable mangrove swamp, so that the position taken up by Chacon was a favourable one, not indeed for resistance, for that would have been madness when an enemy so vastly superior in number was already in possession of the town and the heights commanding it, but to enable him to gain time for reflexion and consultation. He made one more effort at resistance, probably with a view of saving appearances. He sent messengers in all directions to endeavour to rally round him the people of the Island, but it was all in vain; no one answered to his appeal, and when he proceeded to the place of *rendezvous* which he had named, he found, that with the exception of the Admiral and his own personal staff, he was alone.

Such was the state of affairs at the Spanish head quarters, when at eight o'clock at night Abercromby sent an officer to Chacon with a flag of truce and the following instructions:—

“Say to the Governor that I see with sorrow that his troops are without hope of being able to carry out his wishes; that the undeniable superiority of the force under my command has rendered me master of the town, and that he is surrounded on all sides, both by sea and land, without the slightest chance of assistance. There is no possibility of resistance with such unequal forces, and before causing a considerable amount of bloodshed without any hope of ultimate success, I beg him to name a place of conference. I offer him an honourable capitulation, such as is due to good and faithful soldiers who otherwise will be sacrificed in vain.”

On receipt of this generous message, Chacon immediately took counsel with his superior officers.* The result of the deliberation was that resistance was impossible, and that the offer of the English Commander must be accepted. A conference was accordingly fixed

the treasure, &c., hid away under the floor of one of the rooms in the dwelling house on the *Valsayn* Estate.

It is true that the Articles of Capitulation are dated at Port-of-Spain, but probably this refers to the place and time of the agreement between Chacon and the allied Commanders, and it may well be that the formal document, which would require time to prepare and revise, was signed later at St. Joseph.

* There is nothing in his Official Despatch which discloses the view he took of the conduct of the Admiral in burning his ships, but Apodaca does not appear to have been consulted with regard to the Capitulation. The Governor simply reports that he consulted

for the next morning at eight o'clock, when the terms of the Capitulation were agreed upon by Chacon, Abercromby, and Harvey, and on the evening of that day (18th February, 1797) the Spanish troops laid down their arms, and the Island of Trinidad passed under the dominion of the British Crown.

The foregoing brief account of the capture of the Island has been gathered from the despatches of Chacon, Abercromby, and Harvey. These despatches are given *in extenso* in the Appendix, and after reading them it is difficult to form any other conclusion than that the British expedition to Trinidad was very little more than a mere *promenade militaire*. From the despatches of the English Commanders it is clear, that although well pleased at having been able so easily and so thoroughly to carry out their instructions, they felt that there was nothing in the reduction of Trinidad to add to their professional renown. On the other hand, it was natural that Chacon in reporting to his Government the circumstances under which Trinidad had ceased to be a Spanish Colony, should seek to place his own conduct and that of those under him in as favourable a light as those circumstances would admit.

It was alleged at the time that he had acted in collusion with the British Commanders, and this report was sedulously propagated by his numerous enemies, but there does not appear to be any ground for such a charge beyond the fact of his having persistently refused any kind of aid from the French Republicans, whom he undoubtedly looked upon as worse enemies than the English. Of course, this was treason in the eyes of the French party, then all-powerful in Madrid; but it requires something more than the prejudiced statements of an usurping faction to brand with dishonour such a man as Don José Maria Chacon.

His character has been variously estimated by different writers, and it is somewhat difficult to form a clear conception of it. The following tribute to his memory was penned a quarter of a century

with the "principal officers; that is to say, the Lieut.-Governor and the Commanding Officers of the different Corps." ("Los oficiales principales; à saber: el Segundo jefe de la Isla y los comandantes de los cuerpos.") The "Segundo jefe," evidently meant the Assessor de Guerra, Don Juan Jurado.

after he had left the Island, by one who, although he had not personal knowledge of the man of whom he wrote, had yet ample means at his disposal for forming an opinion :—

“The period of the administration of Don José Maria Chacon was the golden age of Trinidad. Commerce flourished, justice poised an equal scale, and prejudice was driven to skulk in the dark abodes of a few illiberal earthborn breasts.

“His ear was open to every complaint, his arm extended for the support of every public petitioner! He long since has mouldered in the dust, but if the fervent prayers of a grateful people can aught avail, the sod lies gently on him.”—(*Address to Lord Bathurst by a “Free Mulatto.”*)

This is a very different portrait of the last Spanish Governor to those drawn by some of his contemporaries, and probably if due allowance be made in each case for party feeling, the truth will be found somewhere between the two extremes.

One thing may be fairly conceded to Chacon—that he was a high-souled Christian gentleman, who, after a long and most successful administration of the Colony, found himself placed in circumstances of great difficulty, with which he was quite unable to cope, and who, in consequence committed errors which, however grave, he expiated by a punishment of most undue severity.*

* The following extract from the *Relation Abrégée*, &c., already quoted, (Chap. i., p. 11) will be read with interest. The writer, certainly inspired by M. Bégorrat, takes the worst and darkest view of Chacon's character :—

“Peu de jours après la Capitulation, Don Maria Chacon, le Gouverneur Espagnol, partit pour l'Espagne. Là, traduit devant un Conseil de Guerre pour juger de sa conduite dans la reddition de cette île aux armes Britanniques, il fut acquitté sur la fausse déclaration que les habitants non seulement avaient refusé de concourir à la défense de la Colonie, mais qu'aussitôt l'apparition des forces Anglaises, la plupart s'étaient déclarés en révolte ouverte contre le gouvernement de Sa Majesté Catholique; que les autres avaient fui dans les bois, etc., etc.; qu'abandonné de tous, il avait jugé convenable de capituler afin d'éviter une révolution qu'il n'aurait pu arrêter et qui aurait fait perdre à l'Espagne une Colonie si précieuse qui pouvait lui revenir encore plus prospère soit par les chances de la guerre, soit par un traité de paix, etc., etc. Don Chacon fut donc acquitté! Mais l'accusation qu'il avait faite contre les habitants était des plus graves!—ils avaient à redouter la plus terrible vengeance du Gouvernement Espagnol s'ils revenaient sous sa domination (comme c'était alors probable). Le bannissement, la confiscation des biens comme l'avaient éprouvé les habitants de la Louisiane et en Floride dans une circonstance à peu près semblable, étaient ce qu'avaient à attendre les malheureux colons de la Trinité: leur consternation fut grande: le seul homme parmi eux qui fût capable d'agir dans cette circonstance était M. Bégorrat, et il agit avec cette infatigable ardeur, cette persévérance et ce désintéressement dont il a si souvent donné l'exemple depuis. Il rédigea un mémoire justificatif de la conduite des habitants de la Trinité. Il se procura, non sans peine et sans beaucoup de sacrifices, toutes les pièces nécessaires à l'appui de son mémoire. Ces pièces étaient nombreuses, authentiques, irréfutables: elles prouvaient



CHAPTER VIII.

THE conquest of Trinidad was a bitter disappointment to the French Republicans, who had long nourished the hope that they would become the masters of the Colony, and Abercromby felt the advisability of getting rid of them with as little delay as possible. The Capitulation was signed on the 18th of February, and the very next day the following Proclamation was issued:—

“PROCLAMATION

“By their Excellencies Sir Ralph Abercromby, K.B., and Henry Harvey, Esquire, Commanders-in-Chief of His Majesty’s Land and Sea Forces, &c., &c., &c.

“The Colony of Trinidad having, by virtue of a Capitulation concluded on between His Excellency Don Chacon, late Governor for His Catholic Majesty, and ourselves, become subject to the Crown of Great Britain, we, in the name of His Britannic Majesty, make known to all

que Don Chacon avait non seulement calomnié les habitants de cette île, mais que c’était lui, le Gouverneur, qui avait trahi les intérêts de Son Souverain et livré la Colonie aux Anglais (pour des raisons qu’il est inutile, et qu’il serait trop long de détailler ici). Il était impossible de disculper ceux qu’il avait calomniés sans l’accuser lui-même.

“Dans l’année 1798, M. Bégorrat envoya un de ses intimes amis (M. Ant. Protin) en Espagne muni de son mémoire et de recommandations qui mettaient ce délégué à même de s’adresser directement au Roi pour éluder ainsi l’influence des Ministres et les intrigues des courtisans dont cette Cour était remplie, et parmi lesquels Don Chacon avait de puissants protecteurs et de nombreux amis. M. Protin remet le mémoire dans les mains du Roi Charles IV. Ce mémoire produit un effet inattendu. Le Roi, frappé de l’évidence des faits, usa de son autorité Souveraine, cassa l’arrêt du Conseil de Guerre qui avait absous Don Chacon et ordonna qu’il serait remis en jugement. M. Protin, ou plutôt M. Bégorrat par M. Protin, poursuivit l’accusation devant le nouveau Tribunal. Le procès dura plus de trois ans. Chacon fut convaincu de calomnie envers les habitants de la Trinité et de trahisons envers Son Souverain; il fut condamné à la déportation et au bannissement.”

From the above it seems that the second Court Martial to which Chacon was subjected and by which he was degraded was convoked on the representation of Bégorrat. The latter doubtless had good reasons for acting as he did, but they must have been not only strong ones but strongly urged, to bring about such an extraordinary result as to induce the King of Spain to cancel the acquittal of an old and faithful officer and drive him into exile and destitution.

the inhabitants thereof, that we will, to the utmost of our power, assure them in the full and entire security of their persons and property as held under the articles of the said Capitulation, of which such as are necessary are here added.*

“All such Frenchmen as consider themselves to be citizens of the French Republic are expected to make their appearance before the Commandant of Port-d’Espagne. Their property shall be preserved to them and the means shall be provided for their safe conveyance to some French, Dutch, or Spanish Colony. Public notice will be given, appointing places where the inhabitants are to make oath of their allegiance to His Britannic Majesty and His Government on the 1st day of March next, to demean themselves quietly and faithfully to His Government, but without being forced or expected to bear arms in any way.

“All muskets and arms of every description, with ammunition, in possession of the inhabitants (except the swords and fowling-pieces of gentlemen) are immediately to be brought to the nearest British post and to be delivered up to the Commandant thereof. Should any arms be hereafter found, beyond a reasonable time for the delivery of them, the possessors will be held guilty of a breach of the peace.

“Given under our hands and Seals at Arms, at Head Quarters, Port-d’Espagne, in the Island of Trinidad, this 19th day of February, 1797.

“R. ABERCROMBY.

“HENRY HARVEY.

“By their Excellencies’ Command,

“F. MAITLAND,

“Secretary.”

This Proclamation, as is clear from its wording, was framed with the object of ridding the Island of men who had already caused considerable embarrassment to the late Government, and whose avowed principles were entirely at variance with those held by the English conquerors. The great majority of the Republicans in Trinidad, owing to the reasons detailed in the foregoing chapters, was composed of French people of colour, and this fact was the cause of much subsequent injustice to persons of that description, who, for years afterwards, were looked upon as forming a revolutionary party in the Island, in spite of the numerous and substantial proofs they continually

*Vide Appendix for terms of the Capitulation.

afforded of their attachment to their adopted country. Many of them were as staunch Royalists as the white planters themselves, and even amongst those who sympathized with the Revolution, not a few, terrified at the anarchy, confusion, and bloodshed which seemed to be the inevitable companions of that newly found Liberty which was to regenerate mankind, preferred to follow the old-fashioned ways however much they might be fascinated by the new-fangled ideas. There were, nevertheless, many sincere and determined Republicans, both white and coloured, who preferred to seek their fortunes elsewhere rather than to obtain immunity from banishment by taking an oath with their lips which they repudiated in their hearts, and, besides these, those who for any reason whatever felt that the Island under its new Rulers would scarcely prove a pleasant abode for them, took advantage of the Proclamation and left the Colony. Some settled in the small town of Guiria, situated on the eastern coast of Venezuela, just within the Grand Boca, whilst others repaired to La Guayra, where before long they began to cause as much alarm to the Spanish Government as they had done in Trinidad.

In framing the Articles of Capitulation, it had been provided that all contracts and bargains made according to the Spanish Law should be valid and binding, but that document was silent as to what was to be the Law of the Colony in future, and in order to remedy this defect, Sir Ralph Abercromby, on the 22nd February, issued a Circular by which the Law of Spain was declared to remain in force. At the same time, however, he introduced into the constitution of the Tribunals a most important change, which at a later date gave rise to considerable difficulties and brought about serious complications. Immediately after the cession of the Island he had been overwhelmed with complaints of the vexatious delays and gross corruption which it was alleged had disgraced the Spanish Courts of Law. It would appear that Sir Ralph satisfied himself that these complaints were not without foundation, and on the 1st March he issued a Commission to an Irish gentleman of the name of Nihell, appointing him "Chief Magistrate, Chief Judge and Auditor in and over the whole Island."*

* Nihell had been for some years a resident in the Colony, and, under the former government, had held the honorable and important office of Alcalde of the First Election.

In making this appointment Abercromby had it in view to facilitate the despatch of business, and to put an end to the extortion and corruption which had notoriously existed in the Spanish Tribunals, and he very naturally thought that the best remedy for these evils would be to nominate a single Judge whose honesty and integrity were above reproach.

In order, however, to understand the full effect produced by this change, it is necessary to state what were the Tribunals which existed in the Island at the date of the Capitulation.

Under the Spanish Government there had been three Criminal Courts of First Instance—that of the Governor, and those of the two Alcaldes.

The Governor was, *ex officio*, the Chief Magistrate. The Alcaldes were elected annually by, and from, the members of the Cabildo. There was no ground upon which a Regidor could claim exemption from serving as an Alcalde, if duly elected, not even were he to prove his utter inability to read and write. This at first seems somewhat extraordinary, considering the various and important judicial functions of the Alcaldes, but it must be stated that these Magistrates were always aided by legal Assessors, who attended to the technicalities. The readers of Don Quixote will remember the famous judgments of Sancho Panza when Governor of Barataria, and will understand from that delightful caricature, that common sense rather than a profound knowledge of law was what was expected in a Spanish Governor or Alcalde.

These three Courts had equal and concurrent jurisdiction, but no sentence of either of them, affecting life or limb, could be carried into effect until confirmed by the Court of Royal Audience at Caracas, from the decision of which Court there was yet a final appeal to the King in Council. Upon the conquest of the Island by the British it of course became necessary to remodel this part of the judicial machinery, and in lieu thereof Abercromby provided that in civil causes, when the interests involved amounted to £500 or upwards, there should be a right of appeal to the King in Council, and that in all criminal cases there should be a right of appeal to the Governor, whose sanction was to be obtained for any sentence affecting life or

limb. In other words, the British Governor succeeded not only to all the powers of his Spanish predecessors in criminal cases, but to those of the Court of Royal Audience of Caracas as well.

Whatever was Abercromby's intention, by this Proclamation he rendered the Governor absolutely supreme in criminal cases. The Spanish Rulers had often been guilty of cruel and arbitrary conduct, but they knew that they were liable for their acts before a Court of Residencia.* By these changes their English successor was made the Judge of Appeal from the inferior criminal courts, while from his own sentences there was no appeal whatever. With this most important exception the legal machinery of the Spanish Code was left intact.

By the provisions of the Spanish Law, the Governor and the Alcaldes, not being lawyers, had each an Assessor, whose duty it was to guide the Judge with whom he sat, as to the laws affecting the cases brought before him. The Governor's Assessor was an official of very great importance. He was termed the "Assessor de Guerra," and generally, though not necessarily, was the adviser of the Governor in matters of administration as well as upon points of law. When this was the case he combined in his own person the functions now performed by the Colonial Secretary and the Attorney-General, and in the absence, or during the illness or incapacity of the Governor, he assumed the administration of the Colony. The Police of the town was intrusted to inferior Magistrates called "Alcaldes de Barrio," and the country districts were divided into Quarters, over each of which was appointed a Commandant selected from among the resident proprietors, who received no salary, the distinction thus conferred being considered a sufficient recompense for the duties performed.

Previous to the Capitulation there had also been a Court of Consulado, or Chamber of Commerce, composed of merchants, having jurisdiction in all commercial cases and presided over by a Judge appointed by the Governor. Upon the appointment of Mr. Nihell as Chief Judge, this Court ceased to exist, but was revived in 1801, at the request of the merchants.

The foregoing sketch of the Tribunals and general machinery

* Chap. I., p. 6,

of Government which existed in Trinidad previous to its conquest, and as modified by Abercromby, will enable the reader to form an opinion as to many acts of the early British Governors which, without it, would appear not only unjustifiable, but utterly inexplicable.

About two months after the signing of the capitulation, Abercromby took his departure from Trinidad, leaving as Governor and Commandant thereof his Aide-de-Camp, Lieut.-Colonel Picton, to whom, when announcing his appointment, he made the following observations:—

“I have placed you in a trying and delicate position—nor to give you any chance of overcoming the difficulties opposed to you, can I leave you a strong garrison; but I shall give you ample powers; *execute Spanish law as well as you can*; do justice according to your conscience, and that is all that can be expected from you. His Majesty’s Government will be minutely informed of your situation, and no doubt will make all due allowances.”

Could the newly appointed Governor have looked into the future he would surely have declined the honour thus thrust upon him, for his connexion with Trinidad was destined to embitter the best years of his life, and was made the occasion of subjecting him to one of the most cruel and unjust prosecutions the world has ever witnessed.

The name of Picton is so closely connected with the history of the early years of the British occupation of Trinidad that no apology is needed for giving here a brief sketch of the early career of that celebrated man.

Thomas Picton, the future hero of the Peninsula, was born at Poyston, in the county of Pembroke, in August, 1758,* and was there

* One of his detractors speaks of him as “born of obscure parents, somewhere in the mountains of South Wales. . . .”—McCallum: *Travels in Trinidad*, p. 140.

This author, whose whole work shews in every line the strong bias with which it was written, does not seem to have endorsed Abercromby’s opinion of Picton, for writing of the latter he says:—

“He came to Trinidad a Lieut.-Colonel when the Island was conquered, under the command of the much lamented Sir Ralph Abercromby, who appointed him Governor. He, like many others, entered upon public life too early; was invested with the supreme authority of a *Commercial Colony* before he obtained the knowledge of governing himself, consequently formed systems in haste upon false premises, on erroneous theories erected upon the chimerical fabric of a treacherous foundation.”

The readers of the following chapters will be in a position to judge of the truth of this view of Picton’s character; but it is worth while to note the words “*Commercial Colony*,” which throw great light upon the opposition which Picton encountered because he would not play into the hands of the greedy speculators who, in Trinidad as elsewhere, sought to enrich themselves at no matter what cost, even the utter ruin of the Colony as a settlement,

fore not quite forty years old when appointed Governor of 'Trinidad. From early youth he showed a marked predilection for a military life, and in December, 1771, when only thirteen years old, he obtained an ensigncy in the 12th Foot, then commanded by his uncle, Lieut.-Colonel William Picton. He did not, however, actually join his regiment until two years later, when he made his apprenticeship as a soldier in the tiresome routine of garrison life at Gibraltar. It was there he gained that familiarity with the Spanish language which was afterwards so useful to him in Trinidad, and during the long hours of leisure which he then obtained he completed those studies which had been interrupted by his early removal from school. Eagerly anxious to see active service he begged his uncle to obtain for him an exchange, and in January, 1778, he was gazetted to a lieutenancy in the 75th Regiment and returning to England, escaped being in Gibraltar during the famous siege.

A few years after this an incident occurred which brought Picton prominently into notice, and is so characteristic of the man that it is worth recording. The 75th was quartered in Bristol when, in 1783, orders were received for its disbandment in consequence of the decision of the Government to reduce the army. The order was read on parade and was listened to in perfect silence, but no sooner were the men left to themselves than they broke into open mutiny and swore that they would not give up their arms. Several of their officers quickly arrived upon the scene and endeavoured to persuade the men not to disgrace the uniform they wore, but their efforts were unavailing, and were met by threats of personal violence.

“Affairs were in this alarming state when information was brought to Captain Picton of the disorder. He immediately hastened to the scene of confusion and tumult, and singling out in an instant the most active of the mutineers, he drew his sword, and without a moment's hesitation rushed into the midst of them, seized him and dragged him forth from amongst his comrades. . . .

“This decisive step daunted the other mutineers . . . and a few words from their Captain, spoken in a tone which did not seem to admit of a reply, now sent them at once to their barracks.

“By this intrepidity and resolution, which in moments of emergency

distinguish a superior mind, the danger was at once averted, and the regiment was at once disbanded without another murmur.”—(*Memoirs of Picton: Robinson, vol. I., p. 14.*)

For his conduct on this occasion Picton received the thanks of the King, and a promise, which was *not* redeemed, of promotion to the first vacant majority. Instead of this he was almost immediately placed upon half-pay, and so remained for some years. In 1793 the breaking out of hostilities induced him to seek for active service. After repeated and unavailing applications to the Commander-in-Chief for re-employment, Captain Picton determined to make an effort in another direction, and having a slight acquaintance with Sir John Vaughan, then Commander-in-Chief in the West Indies, sailed for Barbados as a volunteer towards the end of 1794. Vaughan, who was a good judge of men, at once appointed him to the 17th Foot and placed him on his own staff. He was shortly afterwards promoted to a majority in the 68th Regiment and appointed Deputy Quarter-Master General with the Brevet rank of Lieut.-Colonel.

General Vaughan died in 1795 and was succeeded by General Knox, who superseded Picton. The latter was on the eve of returning to England when he was presented to Sir Ralph Abercromby, who had just been appointed Commander of the Forces. Sir Ralph received him most kindly, and on learning his intention of leaving the West Indies, pressed him to remain as Aide-de-Camp to himself, in order, as he said, “to give him an opportunity of returning in a way more agreeable.” In this capacity he was present at the capture of St. Lucia and St. Vincent, and on both occasions took an active and distinguished part in the operations. He subsequently accompanied Sir Ralph Abercromby to England, returning with him to the West Indies early in 1797,* when the expedition against Trinidad having proved successful, he was appointed to be its Governor and Captain General.

“In person he was tall and well proportioned, approaching the athletic; his height, almost six feet one inch, and his features large and well formed. The natural expression of his features was stern and dignified, but his smile dispelled at once a repulsive expression which sometimes hung upon his brow.

* In the Army List of 1797 his name appears as 2nd Lieut.-Colonel of the 56th Foot.

“His eyes were brilliant and expressive, his voice sharp, and his manner of speaking quick and animated.”—(*Robinson, vol. I., p. 18.*)

Such was the character and appearance of the man who now found himself left to grapple with all the difficulties of a novel and most responsible situation, not the least of which was the insufficient and not very well-affected military force which had been left to him by Abercromby, and which was thus composed :—

| | | | |
|---------------------------------|-----|-----|------|
| Artillery (British and Foreign) | ... | ... | 52 |
| 2nd, or Queen's, Regiment | ... | ... | 500 |
| Buffs | ... | ... | 150 |
| Hompesch's (German) Regiment | ... | ... | 300 |
| Soter's (Black) Regiment | ... | ... | 40 |
| <hr/> | | | |
| Total | ... | ... | 1042 |

This number, already small enough, was soon afterwards considerably reduced, for the biographer of Picton quotes the following statement as made by him to the Commander-in-Chief :—

| | | | | |
|---|-----|-----|-----|----------|
| “ The 57th Regiment cannot bring into the field above | ... | ... | ... | 300 men. |
| “ Hompesch's Regiment, composed almost entirely of foreigners and possessing very little of my confidence | ... | ... | 100 | „ |
| “ Soter's French Negroes, chiefly picked up in the Island | ... | ... | 100 | „ |
| “ Artillery | ... | ... | 20 | „ |
| <hr/> | | | | |
| “ Total... | ... | ... | 520 | men.” |

and from other Despatches it appears, that “the foreigners were constantly deserting or bordering on mutiny through the insidious representations of disaffected persons employed, it was supposed, by the Spanish Government for that purpose.”

In one of his first letters to Sir Ralph Abercromby Picton thus described the state of the troops :—

“The only inquietude we have experienced has been occasioned by the deserters, most of them Germans.”

and in another passage he added :—

“I have been under the necessity of calling Hompesch’s into town to be immediately under my inspection. A very great spirit of insubordination prevails in that corps ; and I am sorry to say the officers (with the exception of the Major, who is unfortunately ill) use no endeavours to repress it. They report ten deserted with their arms, &c., but I very much fear they exceed that number. However, I believe it is put an end to for the present ; for instance, in consequence of a circular letter I addressed to the different Commandants of Quarters, publishing a reward of sixteen dollars for each one apprehended or killed, five have been brought in, and one who had written a letter to his comrades, saying he was at the head of five hundred men, has already suffered.”

Picton had good ground for believing that these deserters were enticed away by emissaries of the Spanish Government, for he was aware that a Proclamation had been issued by order of the Captain General of Caracas, in which the following offers were made with the avowed intention of “diminishing as much as possible the forces of the (*British*) enemy and increasing the *spirit of disaffection* observed in the *foreign* and *emigrant* troops in the British service, and even in the British themselves” :—

| | |
|---|--------|
| “ For any common soldier who shall desert with his arms | \$ 20 |
| “ For every extra musket he shall bring ... | 8 |
| “ To the soldier who deserts without his arms | 6 |
| “ To sailors who shall assist deserters and bring them off, whether they be Ger- mans, Spaniards, or of any other nation, a reward in proportion to the number brought. | |
| “ To every person who shall give proof of having taken prisoner, and brought to the Governor of Cumana, there shall be awarded : | |
| “ For a Corporal | 100 |
| „ Sergeant | 300 |
| „ Lieutenant | 2,000 |
| „ Captain | 3,000 |
| „ Colonel | 5,000 |
| „ General | 1,000 |
| „ Commander-in-Chief ... | 12,000 |

“ And for Don Thomas Picton,
Governor of Trinidad ... \$ 20,000 !!

“ Witness our Hand and Seal at the Seat of Government, in the
Island of Margarita.

“ MIGUEL DE HERERA.

“ Which I attest,

“ JOSE A. DELCAMPO,

“ Government Notary.”

As may be supposed, the first care of the new Governor was to make himself acquainted with the nature of the people whom he was to govern, and with this object he sought advice from the oldest and most respectable of the inhabitants. One of these, Don Christoval de Robles, had, during a residence of nearly fifty years in the Colony, filled various important posts under the Spanish Government. Picton entertained for this venerable gentleman the warmest sentiments of respect and affection, and in a Despatch to the Home Government spoke of him as “ the most respectable Spaniard he had ever known, one in whom the traditional nobility of his nation was no pretence.”

These are the terms in which Don Christoval described the state of Trinidad :—

“ As you have done me the honour of consulting me, I will give you my honest and candid sentiments as to the situation of the Colony.

“ The population is mostly composed of refugees and desperate characters who have been implicated in the rebellions and massacres of all the neighbouring Islands; their principles are incompatible with all regular Government, and their inveteracy to your nation is irreconcilable. The timidity of the former Government suffered their crimes to pass unpunished, and at your arrival they were actually masters of the Island. You may judge of the numbers capable of bearing arms by the application of the French Consul to the Governor on the appearance of the British fleet, when he offered the assistance of three thousand Republicans, which, not being inclined to make any resistance, he (Chacon) thought proper to decline.*

“ To these you may add the Spanish *peons* or people of colour, a set of vagabonds who casually come over from the Continent and who are ready to join in any disorder that affords a prospect of plunder, and a great population of slaves who have been sent here from the other Islands for crimes dangerous to their safety. These people are now apparently

* De Robles, probably with some reason, is looked upon by M. Bordo with suspicion as being prejudiced, but he cannot be supposed guilty of deliberate falsehood.

quiet, but they are the more dangerous as they are only waiting for a favourable opportunity to show themselves, and in the meanwhile they are studying you and your garrison. A considerable portion of your troops, if one may draw a conclusion from their conversation and conduct, are not well affected, and may be easily seduced, and these people will leave no means untried to effect it.

"If you do not give an imposing character to your government before the climate diminishes the number of your soldiers, your situation will become embarrassing. If these men do not fear you, they will despise you, and you may easily foresee the consequences. They have been accustomed to a timid and temporizing Government—a few acts of vigour may disconcert their projects.

"But perhaps you may expect some co-operation from the Magistrates and Tribunals; allow yourself no longer to be deceived; there is not sufficient confidence in the duration of your government to induce any one to commit himself by a vigorous application of the law. They are all apprehensive of returning under the dominion of their old masters, and will be careful not to expose themselves. They are, besides, people of weak and timid characters, from whom no energy can be expected. There is but one line of conduct by which you can extricate yourself from all these difficulties. The circumstances of the conquest have combined in you the whole powers of the government. You are the supreme political, civil, criminal and military judge. You unite in your own person the separate powers of the Governor, the Tribunals and the Royal Audience of Caracas; our law enables you to judge summarily without recusation or appeal.

"Circumstances like the present have been foreseen by our lawyers, who have provided remedies equal to the occasion. You are not shackled by modes or forms of prosecution. If you do substantial justice you are only answerable to God and your conscience."

It must strike any one reading this Report that in it de Robles refers entirely to the *French* population (except where he speaks of the *peons* from the Main) and takes no notice whatever of the natives of the Island. This is easily accounted for by a reference to the following figures, which shew that the Spanish subjects, by birth or settlement, had been completely outnumbered by the new comers, who were almost all French.

In 1783 the population of Trinidad consisted of:—

| | | | | | | |
|-----------------|-----|-----|-----|-----|-----|-------|
| Whites | ... | ... | ... | ... | ... | 126 |
| Coloured (free) | ... | ... | ... | ... | ... | 295 |
| Slaves | ... | ... | ... | ... | ... | 310 |
| Indians | ... | ... | ... | ... | ... | 2,032 |
| Total | | | | | | 2,763 |

The population Returns for 1797 do not show the nationalities, but from Mr. McCallum's "Travels in Trinidad" it appears that in February, 1803, six years after the conquest, the figures stood thus :—

| | Whites. | Coloured (free). | |
|---------|-------------|---------------------|--------------|
| English | ... 663 | ... 599 | |
| Spanish | ... 505 | ... 1,751 | |
| French | ... 1,093 | ... 2,925 | |
| | <hr/> 2,261 | <hr/> 5,275 | ... 7,536 |
| Negroes | | | ... 20,464 |
| | | | <hr/> 28,000 |

The great increase in the population which took place after 1790 (from 10,422 in that year to 18,627 in 1797)* was almost entirely caused by the emigration from the French Colonies, produced, as has been shewn, by the troubles and disasters by which they were overtaken, and if six years after Picton's assumption of the government the proportion of French was still so great, it must have been far greater prior to that event.

It may be argued that Don Christoval de Robles was a staunch Royalist, and that therefore his description of the French Republicans must be accepted with caution. There exists another document which tells the same tale.

In July, 1797, a conspiracy known in the history of Venezuela as the "Revolucion de Gual y España" was discovered in Caracas, and a long and very full report concerning it was made to the Spanish Cabinet by the Court of Royal Audience of that city. In this report, which goes at full length into the details of the conspiracy, great pains were taken to point out what had led to the attempt to overturn

* The official statement published by the British Government in 1797 declare the population to have been 17,718 souls, but this return was made *after* the departure from the Island of those persons who were unwilling to take the oath of allegiance to the King of Great Britain.

The above figures are those given by M. Dauxion Lavaysse, an author not always to be relied upon when influenced by political or personal feelings. There is, however, no reason to doubt the correctness of his statement in this respect.

the Government, and one of the causes mentioned was "the admission into the Port of La Guayra of the French emigrants from Trinidad who had left that Island at its conquest by the English, and who, by their conversation and example, had turned the heads of the peaceable natives of Venezuela."

If these men did not hesitate to spread their revolutionary doctrines in a country with which they were allied, it is not unlikely they would have done so in a Colony which had just passed into the possession of their most bitter enemies; and if Picton acted with severity in order to establish a firm Government on the ruins of a weak one, it is not a matter for either surprise or blame.

Another source of constant anxiety to the Governor was the well known desire of the Spanish Government to regain possession of the Colony. Picton was a man of infinite resource, and to meet this danger he set to work to obtain the confidence and esteem of the respectable and well affected members of the community, from amongst whom he raised a very efficient militia. He was thus enabled to reserve his small regular force for the repulse of external foes, and in a very short time after Sir Ralph Abercromby's departure reported to that officer that "a very exact police had been established in the town, and was gradually extending itself over the whole Island; the Colony everywhere quiet, and the inhabitants paying prompt obedience to the orders of Government."

Picton, like many of his successors, saw the danger to which the Island was exposed for want of a naval force, and he more than once brought the matter under the notice of the Commander-in-Chief. In one of his Despatches he wrote:—

"The northeast coast, from Toco to Mayaro and Guayaguayare, continues to be very much annoyed by French privateers. A twelve-gun schooner, and another of a smaller class, continue to hover about these parts, and there is little doubt but that they communicate with the disaffected, and probably supply them with arms. The respectable inhabitants make very serious representation of their unprotected and exposed situations, and say they shall be under the necessity of abandoning their homes unless some naval protection be afforded them."

These constant and unwearying exertions for the advancement of the Colony were crowned with the success they deserved, and Picton

must have felt a singular satisfaction in writing the following letter at the end of his first six months of government:—

“Port-of-Spain,

“26th July, 1797.

“Sir,—H.M.S. *Dictator* being ordered to Martinique, I profit by the occasion (the intercourse with England being more direct) to acquaint you with the situation of this Island.

“The most perfect tranquillity and good humour prevail throughout the Colony; and the inhabitants of all classes acknowledge that their situation has been much ameliorated under the influence and protection of His Majesty’s Government. Since His Excellency Sir Ralph Abercromby has authorized me to arm launches for the protection of the intercourse with the neighbouring Spanish Provinces, that trade has experienced a very great increase, and the market for British manufactures has become very considerable, and is daily increasing.

“Plantation provisions of all kinds are so plentiful as to enable me to permit the exportation of them to Grenada and St. Vincent, which lately suffered great distress from a discontinuance of the usual small supply from America. . . .

“I have, &c.,

“THOMAS PICTON.

“To the Right Hon’ble

“H. DUNDAS.”





CHAPTER IX.

THE rainy season, which in the previous year had made such terrible havoc amongst the Spanish troops, was now to prove equally disastrous to those under Picton's command. In a letter dated 26th October, 1797, he stated that the number of rank and file sick in hospital and quarters amounted to five hundred and thirty-seven—a serious reduction of his armed force at a moment when the demonstrations of hostility on the part of the Spanish Government towards him were daily becoming more unmis-takeable.

That hostility, which was but natural, had been materially increased by the active part taken by Picton in fomenting the inclination to rise against their rulers, which was already beginning to manifest itself amongst the South American colonists.

Of the means adopted to further that end the following Proclamation is a curious instance :—

“PROCLAMATION OF DON THOMAS PICTON, GOVERNOR OF TRINIDAD,
TO THE CABILDOS AND PEOPLE OF THE SPANISH MAIN.

“In accordance with my instructions, I, the Governor of Trinidad, in view of the advantages which you will derive therefrom, now publish for your information the following extract from a Despatch addressed to me under date of the 8th April, 1797, by the Right Honourable Henry Dundas, His Britannic Majesty's Secretary of State for Foreign Affairs :—

“The object of this present despatch, and which is particularly recommended to Your Excellency's consideration, is to point out the most practicable manner by which the population of those countries immediately in the neighbourhood of the Island of Trinidad may be freed from the oppressive and tyrannical system by which a mercantile monopoly is maintained under a system of protective duties authorized by their Government and thus to obtain the utmost advantage from the

geographical situation of that Island by opening a free and direct communication with all parts of the world without prejudice to the trade of England. The easiest way of fulfilling this object will be that Your Excellency should encourage the people of the Island to maintain the intercourse they had with the inhabitants of the mainland previous to the capitulation of the Island, with the notion that the latter will always be an *entrepôt* for every description of merchandize; to which intent the King, by an Order in Council, has declared Trinidad to be a free port in direct communication with Great Britain.

“With regard to Your Excellency’s hopes of being able to excite in the minds of the inhabitants of these countries the idea of resisting the oppressive rule of their Government, I have only to add that whenever they may be in that mind they will receive through Your Excellency all the aid they can desire from His Britannic Majesty, either in men, arms or ammunition, as much as they may require, with this assurance, that His Majesty’s views extend no further than the securing to them of their liberty and independence, without pretending to any right of Sovereignty over those countries, nor of interfering with their civil, political or religious rights.

* * * * *

“Done at Port-of-Spain, this 26th June, 1797.

“THOMAS PICTON.

“By Command of His Excellency,

“THOMAS CLAPHAM,

“Secretary.”

This Proclamation, translated into Spanish, was widely circulated throughout Venezuela, and in proportion as it raised the hopes of the revolutionary party so did it excite the anger and fears of the Royalists. The open and clearly avowed purpose of the British Government to support the patriot party and to encourage a contraband trade between Trinidad and the ports of Venezuela has been stigmatized by French writers as an act worthy of *la perfide Albion*; but they seem to forget that the French Government was at that very time carrying on hostilities on exactly the same principles in every quarter of the globe.

In March, 1798, after having governed the Colony for exactly twelve months, Picton had the satisfaction of receiving a Despatch from Mr. Dundas conveying to him “His Majesty’s gracious approbation of his endeavours to promote the interest and honour of his Government,” and informing him at the same time that the King had

sanctioned his being paid a salary of £1,200 a year out of the funds of the Colony.

We have seen, that what with internal discontent, badly disciplined and partially disaffected troops, and a continual and ever present risk of invasion from abroad, the post confided to Picton was far from being a sinecure ; but he nevertheless found time to study the condition, social as well as political, of the neighbouring Continent, the rich fertility of which gave it in his eyes an extraordinary value ; and so much indeed did this impress him, that he constantly urged upon the Ministry to intervene openly with an armed force to wrest its South American Provinces from the Spanish Crown and place them under British protection. The following letter, addressed by him to Lieut.-General Cuyler, then Commander-in-Chief in the West Indies, fully expressed his views upon the subject, and deserves the serious attention of all who are interested in the commercial future of Trinidad:—

“ Port-of-Spain,

“ 25th May, 1798.

“ Sir,—Previous to Your Excellency’s departure for England, I feel myself called upon to furnish you with such details and information respecting this Island and the neighbouring Continent as may enable His Majesty’s Ministers to judge of the means necessary to be employed for the attainment of the objects they may have in view.

“ The Island possesses the most extensive and, perhaps, one of the best and finest harbours in all America, wholly free from hurricanes (the effects of which are so dreadful in all the other West India Ports). It is so situated as to command the commerce of an immense Continent, extending from the banks of the Rio de las Amazonas to those of La Magdalena, including the rich Provinces of Guayana, Varinas, Santa Fé, Venezuela, Caracas and Cumana, with which there are navigable communications by means of the different rivers which, traversing those extensive countries, at length lose themselves in the great River Orinoco, which discharges itself into the Gulf of Paria by a number of small canals navigable by vessels drawing from ten to twelve feet water, and by one large channel (capable of receiving frigates) opposite the southeast point of Trinidad.*

“ The Island has also a communication with the interior of the Province of Cumana by the navigable River Guarapiché, which also falls into the Gulf of Paria. These Provinces are inhabited by Spaniards from Europe, who generally hold all offices and employment under Govern-

* *Vide App.*: Trade between Trinidad and South America.

ment ; Creoles, or such as are descendants of Spanish settlers ; Indians, who are collected in Missions and kept in the profoundest ignorance by their Captain-Governors ; Negroes ; and a mixed race resulting from the communication of all the others ; the latter class and the Indians are by far the most numerous.

“ Throughout these fine Provinces the oppressions and exactions of the persons entrusted with the Government have totally annihilated all enterprize and industry, and the inhabitants of all orders are reduced to the most pitiable state of misery.

“ They are entirely without manufactures of any kind, and now wholly depend upon the stranger for everything they wear. The usual intercourse between the mother country and the Colonies being almost entirely cut off by the war, the inhabitants of these countries are literally in want of everything. I know a gentleman in the Province of Cumana who has 30,000 head of horned cattle, and is in absolute want of a coat.

“ The Government possessing no public force to compel obedience, and having entirely lost the confidence of the people, keeps up its authority by arming every individual against his neighbour, ordering every subject to seize another carrying on a prohibited trade, and to kill him in case of resistance, and authorizing him to apply whatever he may so seize to his own use as a reward. Corrupted by these means, every person is suspicious of his neighbour and regards him as a spy and informer, so that they appear more a set of insulated individuals than a nation.

“ They however agree, oppressors and oppressed, that nothing can be more vexatious and corrupt than the Government they live under, or more deplorable than their own situation ; and every individual, with the exception only of those, who placed in the highest offices of administration, have the means of oppressing and plundering the inferior ones, looks forward to a deliverance from some foreign hand, with a degree of confident hope.

“ They have not yet been able to recover from the habitual dread of a sanguinary Government, and are of themselves incapable of an independent, unassisted struggle to subvert it. Conscious of a want of union and energy, weak and defenceless as they know their Government to be, they acknowledge themselves incapable of any enterprise against it, unless favoured by the countenance of some foreign power.

“ What I have the honour to propose is not in the nature of a conquest, difficult, and expensive to be maintained. I have to submit to Your Excellency, for the consideration of His Majesty’s Ministers, a plan which has for its object the opening of an immense commerce to the industry of His Majesty’s subjects, and securing them advantages of an incalculable value, to be obtained by no other means.

“ The town of Cumana is centrally situated, so as easily to communicate with the Province of Guayana on the one hand and the Province of Caracas on the other, with the intermediate towns of Barcelona and Cariaco. The town itself is capable of no defence, being open on all

sides, and will probably be evacuated on the first appearance of a force ; at least, such was the determination a few months ago.

“ If about three thousand troops could be collected, with a 64-gun ship, a frigate and some forty-fours, or India transports, to make an appearance or impression—for a squadron would be not otherwise useful—I would propose immediately taking possession of Cumana. The public mind has long since been prepared, and the people in general look forward to it as the most favourable event which can befall them. The prejudices against the English nation, which the Government had sedulously cultivated by every species of misrepresentation and artifice, have happily been dissipated by the extensive communication and intercourse they have had with this Island since the conquest. The Governor has no regular force, and the militia have repeatedly signified that they would not expose their families and property by an unavailing resistance. I have also had an opportunity lately of learning the spirit of the Capuchins, who are determined to keep their Indians entirely out of the business.

“ The Government has lately betrayed considerable jealousy of the authority which this Order has acquired amongst the Indians ; and the Fathers, recollecting the fate of the Jesuits in Paraguay, appear a little suspicious of their intentions. A declaration that the intentions of His Majesty are to give the inhabitants of South America an opportunity of asserting their claim to an independent Government and free trade, will, I am convinced, decide them at once to forsake a Government which has energy only to oppress them ; and the situation of the neighbouring Provinces, long in a state of revolt, affords reasonable grounds to think that it will become the centre of a general movement, which might then be left to itself, and would only require occasional supplies of arms and ammunition. The expenses of the expedition I propose, would, comparatively, be very inconsiderable.

“ It will not be necessary to employ horses or pioneers, and the ordnance necessary would be a few light field pieces only. The principal objects to be attended to will be arms for cavalry and infantry, for the purpose of arming the inhabitants, and a liberal supply of ammunition. There is a native of Caracas, I understand, now in London (Miranda) who might be useful on this occasion ; not that he possesses a great local knowledge, or has any considerable connexion, being the son of a shop-keeper of Caracas, who left the country at a very early period ; but as a native of the country who has made himself a good deal talked of, he might fix the attention of those people, and thereby make himself serviceable. For reasons very obvious, I would advise his not being consulted on the business, or acquainted with it, until the moment of execution.

“ The beginning of November will be the best time for an expedition to that part of the Main. The dry weather sets in there much sooner than in the Islands. The situation is remarkably dry and healthy. The expedition should go down immediately to its object, without stopping at Trinidad, which would in a certain degree indicate the point menaced ; but it would be necessary to apprise me early of the intention, as the

success will in a great measure depend upon the previous steps I may take to secure it. I have a person perfectly master of the Spanish language, who can prepare all the necessary declarations and papers. A subordinate expedition might be undertaken from Trinidad, with five or six hundred men, up the River Guarapiché, which would essentially contribute to the success of the undertaking: and this might be performed without any additional expense, as I should be able to provide the vessels necessary for their transportation on the spot.

"Having now sufficiently enlarged on the subject, and furnished Your Excellency with materials to form your own opinion from, I shall take my leave with an assurance that a doubt does not exist in my mind respecting the success of the expedition I have the honour of recommending, and which, if entrusted to the command of an officer of prudence and conduct, cannot fail to produce the most extensive and important advantages.*

"I have the honour, &c.,

"THOMAS PICTON.

"To His Excellency

"Lieut.-General CUTLER,

"Commander-in-Chief, West Indies."

The above letter has been given at full length because it not only shows the energy and foresight of the writer, but also what was the general policy of English statesmen in those days; to us the most interesting portion is that relating to the commerce with the interior of the South American Continent by way of the Orinoco, from which we are still shut out by that system of monopoly and of obstinate admiration of the Custom House as a source of revenue which characterizes the Government of Venezuela to-day as it did that of Spain a century ago.

Picton was not the first to see that the Orinoco was the natural channel of communication between the interior of the Northern portion of South America and the markets of Europe and the United

* It is strange that in this Despatch Picton should speak so disparagingly of Miranda as "the son of a shopkeeper of Caracas." Francisco Antonio Gabriel Miranda was born in Caracas on the 9th of June, 1756, being the son of Don Sebastian Miranda and Dona Francisca Antonia Rodriguez y Espinosa, who, although not of the *premiere noblesse*, were in wealthy circumstances. At the time Picton wrote of him he was over forty years of age and had already served with distinction under Dumouriez in the early wars of the French Revolution.

States. In 1783 the Archbishop and Viceroy of the Kingdom of New Grenada, Don Antonio Caballero y Gongora, convinced of the far greater advantages offered for communication between Santa Fé and the Mother Country by way of the Rio Meta and the Orinoco rather than by that of the Rio Magdalena, caused a chart to be constructed of the navigation of those two rivers from the head of the former to the sea, and proposed that Trinidad should be the port of entry for all the vessels trading up to Santa Fé. Unfortunately for the success of this plan it would, if adopted, have destroyed the trade of Cartagena, which was then the chief fortified town (and therefore in the eyes of the Government of Madrid the most valuable and important) in the Province, and mercantile interests of vast extent were therefore sacrificed to protect those of a single garrison.

Picton's proposal to General Cuyler was not carried out, and perhaps was never seriously entertained. Peace was soon after proclaimed, and when hostilities next broke out it was no part of the policy of Great Britain to dismember the Spanish Empire, for the integrity of which the troops of England were contending with the legions of Napoleon.

There is, however, a force more powerful even than that of armed battalions—a force which has rendered easy and commodious what to the greatest heroes of ancient and modern times was difficult and irksome—which has overcome both natural obstructions, and the all but impassable barriers of ignorance and prejudice. That spirit of commercial enterprise which has pierced the Alps, opened the Suez Canal, and is now bringing into close connexion the Atlantic and Pacific Oceans by means of that Isthmus which has hitherto separated them, will at last effect peaceably and without any armaments what Picton would have brought about by conquest. That which he desired and the great Napoleon feared will, it is to be hoped, before long come to pass, and then, when the whole trade of New Grenada and of the rich and fertile countries lying between the Andes and the Atlantic finds its way by the Meta, the Rio Negro, the Casanare, the Apure, and a hundred other streams down the broad bosom of the Orinoco into the Gulf of Paria, Trinidad will become a second St. Thomas, and Port-of-Spain a West Indian Liverpool. And when that

time comes, as come it must, it is to be hoped that the people of Trinidad will not forget that it was Picton who first urged upon the British Government the importance of the situation of the Colony as regards the Orinoco trade.

The Captain-General of Caracas had replied to the Proclamation of the 26th June by erecting several batteries on the western coast of Venezuela upon the rivers which flow into the Gulf of Paria, and under the guns of these batteries there were swarms of armed canoes and pirogues, manned by refugees and adventurers who had been expelled from the different Colonies by the English, and who were united by one common bond of hatred for that nation which had put an end, or at least a substantial check, to their career of violence and bloodshed.

It was to guard against the predatory attacks of these dangerous neighbours that Picton had so frequently urged upon the British Commander-in-Chief the unprotected state of the seaboard of Trinidad ; and when in the early part of 1799 Admiral Harvey was able to send a few small vessels to the Gulf of Paria, he at once determined to dislodge the enemy by a *coup de main*.

The *Invincible*, the *Zephyr*, and the *Victorieuse* were despatched from Port-of-Spain to the opposite shores. One hundred picked men under Lieut.-Colonel Mosheim and Major Laureal were on board the *Invincible*. The instructions given to Colonel Mosheim by Picton were most precise. He was to attack and disperse all armed bodies assembled for the purpose of invading Trinidad, and to prevent all Spanish vessels from leaving the Mainland for that Island, but he was also to do all in his power to conciliate the inhabitants of the country and to win their confidence.

These orders were strictly and thoroughly carried out. The batteries on the rivers were destroyed, the privateers who had been protected by their guns were driven away, and Colonel Mosheim with his small force dispersed the armed bands which infested the coast. Thus, by one vigorous effort, Picton averted the serious danger which had so long threatened the Island.

It was by this expedition that Picton addressed the following characteristic epistle to the Governor-General of Caracas, who had

offered a reward of \$20,000 for the head of the obnoxious Governor of Trinidad :—

“ Trinidad,

“ 25th January, 1799.

“ Sir,—Your Excellency has highly flattered my vanity by the very handsome value which you have been pleased to fix upon my head. Twenty thousand dollars is an offer which would not discredit your Royal master’s munificence !

“ As the trifle has had the good fortune to recommend itself to Your Excellency’s attention, *come and take it*, and it will be much at your service ; in expectation of which,

“ I have the honour to be, &c., &c., &c.,

“ THOMAS PICTON.

“ His Excellency

“ DON PEDRO CARBONNELL,

“ Governor-General, Caracas.”

The successes of the British arms now seemed to point to the probability of peace at no far distant period, and the Spanish inhabitants of Trinidad began to feel considerable anxiety lest the Colony should be restored to its former owners. They accordingly presented an address to Picton begging him to urge upon the consideration of the British Ministry the terrible position in which they would be placed were the Island to be restored to the Spanish Crown. He was at the same time requested by them to write to Sir Ralph Abercromby, in the hope that he also would use his influence with the Ministry for the same purpose.

To the Minister, (Mr. Dundas) Picton, in compliance with their request, wrote as follows :—

“ Port-of-Spain, Trinidad,

“ 20th October, 1799.

“ Sir,—Some very strong and earnest representations made by the most respectable inhabitants of the Colony respecting the unjustifiable and alarming conduct of the Government of Caracas occasion this letter. If the Island of Trinidad should be restored to Spain at a peace, we must resign all hope of ever being well received by the natives of South America. Those inhabitants of this Island who have expressed any satisfaction with His Majesty’s Government, or have paid any personal atten-

tion to His representative, are known to be already prejudged and marked out as victims for the vengeance of the Spanish Government whenever chance or circumstances may subject them to its jealous tyranny.

"I hope His Majesty's Ministers will never be brought either to restore or to exchange this valuable Island; for, besides the certain ruin and misery which it will occasion to all those who have shown any attachment to His Majesty's Government, it will leave a lasting, indelible impression on the minds of the South Americans. Though a valuable equivalent might be proposed, I humbly conceive it would be highly impolitic to accept it. The inhabitants of all the neighbouring Provinces have their eyes fixed upon Trinidad: if retained, it will exalt their estimation of the power and energy of His Majesty's Government, and determine them, upon the first favourable opportunity, to seek its protection; if restored, it will leave an opinion of weakness, unfavourable and destructive to any future views on this quarter of the world.

"I have the honour to be, &c.,

"THOMAS PICTON.

"The Right Hon. H. DUNDAS."

A few days later he wrote Sir Ralph Abercromby:—

"Trinidad,

"30th October, 1799.

"Sir,—Every one here looks forward for Your Excellency's protection and patronage, and you must expect to be troubled upon all occasions of consequence to the prosperity and well-being of this Colony.

"The late brilliant and important successes of the allied armies, and other favourable circumstances holding out the probabilities of an approaching peace, the most respectable planters and settlers of Trinidad begin to entertain serious apprehensions of their future situation, and express great alarm and uneasiness lest His Majesty's Ministers might be induced to exchange this Island for Porto Rico, or any other proposed equivalent. They are well aware of the high degree of importance attached by the Spanish Government to this settlement on account of its situation, which will render it at all times formidable and dangerous to the neighbouring Provinces of South America, the inhabitants of which have their eyes continually fixed upon Trinidad, and cannot fail to be affected by its newly-acquired opulence and flourishing situation.

"I have taken the liberty of enclosing the copy of a letter I have just written to Mr. Secretary Dundas on the occasion, by which Your Excellency will see the ruin which menaces the English and other inhabitants, who have shown any marks of attachment to His Majesty's Government, upon the event of the Island being restored. The great object of the Spanish Government in wishing to re-possess itself of this Island, is to shew to their subjects in these countries how little reliance they can place upon the protection and promises of the British Government, which

so easily sacrifices them for a supposed advantage ; and, above all, by the vengeance they will not fail to execute upon all those who have shewn themselves pleased with the new order of things, to deter their subjects on the Continent from all thoughts of ameliorating their miserable situation by having recourse to the protection of Great Britain.

“ It requires considerable practical knowledge of the Spanish Government to be enabled to form anything like a just idea of its politics. The individual is superstitious without religion, and punctilious without honour ; the Government, with all the formality and mask of integrity, and the most extravagant pretensions to good faith, pursues the object of its ambition, avarice or revenge, without any restraint from morality, or respect for engagements.

“ No stipulation on the part of Great Britain will be effectual to secure the inhabitants from its unrelenting resentment. Its mode is to promise everything ; but the public instructions to their Governors, &c., which they refer to on all occasions, are always accompanied by others, *via reservada*, of an opposite import. Those who possessed situations under the Spanish Government, and who were permitted by Your Excellency to retain them and remain upon this Island, accepted of your indulgence by the advice of M. Chacon, for the purpose of remaining as spies upon the conduct of the inhabitants.

“ Those people kept a minute register in which all the inhabitants who had at any time expressed themselves pleased with His Majesty’s Government, were calumniated in the most scandalous manner, and represented as traitors to the King of Spain. This was carried on with great secrecy, but at length a disagreement amongst the parties led to a discovery, and I was enabled to get possession of it. The false and infamous representations it contained were calculated to render all the most respectable inhabitants objects of resentment to the Spanish Government.

“ I beg leave to refer Your Excellency to the enclosed copy of a letter to Mr. Secretary Dundas, wherein I have urged the reasons why I am of opinion that it would be extremely impolitic to restore Trinidad on any terms, or for any equivalent. I shall not now intrude any further upon your time than to claim a continuance of your patronage in favour of a large body of planters who having through your means experienced the advantages of His Majesty’s Government, conceive they have a claim upon your further good offices.

“ I have the honour, &c., &c.,

“ THOMAS PICTON.

“ His Excellency

“ Sir Ralph Abercromby.”



CHAPTER X.

THE year 1799 was now drawing to a close, and the preliminary negotiations, which were to terminate in the short-lived peace secured by the Treaty of Amiens, were being actively carried on between France and England.

Amongst the conditions stipulated for by the Court of St. James, Lord Hawkesbury, the British Plenipotentiary, had required that Martinique or Trinidad in the West Indies, Malta in the Mediterranean, and Ceylon in the East, should be ceded to Great Britain. This proposal was strenuously opposed by the extraordinary and far-seeing man who was then in fact, if not yet in title, the absolute Ruler of France, and who refused to consent to the surrender of any part of her ancient dominions, or of her recent acquisitions.*

Lord Hawkesbury, in the interests of peace, relinquished the idea of claiming Martinique, but still insisted that Trinidad should remain an English possession. Bonaparte, however, could not brook the idea that England, the rival he most dreaded, should become mistress of a Colony which would afford her a coign of vantage from whence to exercise an influence over the whole continent of South America ;† and the following extract from a letter written by the First Consul in August, 1801, to M. Otto, the French Plenipotentiary in London, sufficiently explains his views with regard to the proposed cession of Trinidad:—

. “ Quant à l’Amérique, aux observations peremptoires que contient la note, je joins celles-ci :

“ Le gouvernement Britannique demande à conserver dans les Antilles une des îles qu’il a nouvellement acquises, et cela sous le prétexte qu’elle serait nécessaire à la conservation de ses anciennes possessions.

* Jomini : *Histoires des Guerres de la Révolution*, vol. xiv., p. 379.

† Thiers : *Histoire du Consulat et de l’Empire*.

“ Or, sous aucun rapport cette convenance ne peut s’entendre de l’île de la Trinité. Eloignez donc toute discussion à cet égard. La Trinité serait, par sa position, non un moyen de défense pour les colonies Anglaises, mais un moyen d’attaque contre le continent Espagnol.

“ L’acquisition serait d’ailleurs pour le gouvernement Britannique, d’une importance et d’une valeur qui passerait toute mesure.”

It would appear, however, that the British Government had good reason for believing that the First Consul would yield upon this point, or else, that seeing the importance he attached to the possession of Trinidad, had determined to retain it in spite of his opposition, for in a Despatch dated 29th June, 1801, Lord Hobart informed General Picton that the King had been pleased to appoint him “ Civil and Military Governor of Trinidad,” thus giving him a direct Commission from the Crown, in lieu of the authority as Captain-General delegated to him by Sir Ralph Abercromby.

This mark of Royal approbation was naturally considered by Picton as a reward for good service, more especially as the King’s pleasure was announced in the following gracious terms :—

“ The ability and zeal which you have shown in administering the affairs of the Island of Trinidad, and the honourable testimony borne to your conduct by the Commander-in-Chief of His Majesty’s Forces in the Leeward and Windward Islands on every occasion, have induced His Majesty to appoint you to the Civil Government of that Island, and I have the satisfaction of enclosing herewith your Commission and the instructions under His Majesty’s Sign Manual, for your guidance in executing the duties of that office.”

One extract from that Commission will show how large were the powers conferred upon Picton, and will serve as a measure of the confidence then reposed in him by the King’s Government :—

“ It is Our Will and Pleasure that for the present, and until our further pleasure shall be signified therein, the same Courts of Judicature which subsisted in the said Island previous to its surrender thereof to us, shall, for the present, be continued in the exercise of all the judicial powers belonging to them in all criminal and civil cases, and that they shall proceed according to the laws by which the said Island was then governed ; and that such judicial powers as, previous to the surrender of the said Island to us, were exercised by the Spanish Governor shall be exercised by you, our Governor, in like manner as the same were exercised previous to the surrender of the said Island.”

Upon this Picton's biographer remarks:—

“So decisive were these instructions in pointing out the course to be pursued by Governor Picton in the administration of the laws that all responsibility seemed at once taken from him in regard to their operation. But it will be perceived, on reference to the instructions left by Sir Ralph Abercromby upon appointing Colonel Picton to the command of the Island, that *they* formed the basis upon which those now sent by His Majesty's Government were established; and by this ratification of Governor Picton's former powers and instructions, it was evident that the antecedent operations had given satisfaction, and that every act which Colonel Picton had committed up to this period was thus justified and approved by His Majesty's Ministers.”

On the receipt of Lord Hobart's Despatch Picton invited the principal inhabitants of the Colony to meet him at Government House, where, with all the solemn forms and ceremonies prescribed by the Spanish law, he communicated to them the Royal Will and Pleasure. Having done so, he next proceeded to name his Council of Advice, which consisted of Don Christoval de Robles, Messrs. John Nihell, John Black, St. Hilaire Bégorrat, and John Nugent.

This Council had no legislative functions, the members being appointed merely to aid the Governor with their experience and advice, but not having power in any way to control him. The change in the form of Government was therefore more nominal than real, and for a time every thing went on as before.

In October, 1801, the difficulties between the French and English Governments having been adjusted, the preliminaries of the peace between the two Powers were signed in London; but it was not until the 25th March, 1802, that the formal treaty was ratified between the French Republic, His Majesty the King of Spain and the Indies, and the Batavian Republic on the one part, and the King of Great Britain on the other, by which (Art. IV.) “His Catholic Majesty ceded and guaranteed in full property and sovereignty the Island of Trinidad to His Britannic Majesty.”*

One immediate result of the peace, so far as Trinidad was con-

* By the 13th Clause of the Treaty, a term of three years was accorded to the inhabitants of all the ceded Colonies, during which, whilst enjoying complete protection as to their religion and personal rights, they could dispose of their property,—in other words, the Spanish and French settlers in Trinidad were given that term to make up their minds whether they would or would not become English subjects. A somewhat similar course was pursued after the Franco-German war of 1870, when the inhabitants of Alsace-Lorraine had to “*opter*” within a given time between remaining French or becoming German.

cerned, was an influx into that Island of all the English and Scotch adventurers who had taken advantage of the British conquests to settle down upon the various Colonies now restored to their former owners. That such was the case we learn from Picton himself, who, in a Despatch to the Secretary of State written in 1804, reported that—

“Since the restoration of the French and Dutch Colonies all the English insolvent adventurers who were settled about those settlements have fallen upon Trinidad, the capital of which, Port-of-Spain, has become the receptacle of the scum and sediment of all the West Indies.”

It may be contended that Picton, who was very unpopular with the English and Scotch colonists, must be considered a somewhat prejudiced witness, but there exists the testimony of one whose *animus* against him was so strong that their joint evidence, when it tallies, can scarcely be discredited.

The following passage from “McCallum’s Travels in Trinidad” is quite as clear as Picton’s Despatch :—

“In this Island (Trinidad) Sir Ralph Abercromby found a considerable number of British runaways, or more properly speaking, if I may use the expression, ‘scape hemps,’ from the older West India Islands; men who would disgrace, if possible, either the soil of America or Botany Bay.

“The Spaniards encouraged and their laws protected them; hence, before it was captured it was like America, a rookery for vagabonds of every description. Dreams of avarice and its proximity to the Main held out delusive prospects at a distance to mercantile men, who came with their articles to realize the golden dreams.”

It is true that in this passage Mr. McCallum seems to imply that all these “British runaways” came to Trinidad previous to its conquest by Sir Ralph Abercromby, but the “Libro Becerro” and other documents of those days which are still in existence, show clearly that during the Spanish occupation very few English colonists settled in the Island in comparison with the French, of whom the immigration consequent upon the Cedula of 1783 was chiefly composed, and as Mr. McCallum only came to the Island in 1803 he evidently describes its society as he then found it.

The British section of the community was largely composed of men of the same stamp as those who a few years before had in Mar-

tinique so virulently attacked Sir Charles Grey and Sir John Jervis, and who thought themselves much aggrieved because the Colony was not handed over to them entirely for their use and benefit. Baulked in their expectations of reaping a golden harvest and receiving no countenance from General Picton in their endeavours to enrich themselves at the expense of the older colonists, these adventurers soon found themselves in a very unfortunate position. "*Some,*" says Mr. McCallum, "*returned home to give an account of their misfortunes, others submitted, overcome with ennui.*"

These latter soon formed a discontented and factious *clique*, which sought to gain weight and importance by giving itself the name of the "English party," a name which, not in Trinidad alone, but in all the Colonies of Great Britain, especially those acquired from foreign States, has always been assumed by persons who, under the specious pretext of an extraordinary loyalty, have sought to monopolize not only all political influence with the Government, but to ensure for themselves and their friends every lucrative appointment in its gift.

So long as it was uncertain whether Trinidad would be finally ceded to Great Britain or would be restored to the King of Spain, these malcontents were wise enough to keep quiet; but as soon as they learned that the preliminaries of peace had been signed, and that the Colony was to become a British possession, they made their first move by preparing an address to the King, praying him to accord to the Island the "blessings of a British Constitution."

Copies of this address were circulated throughout the Colony, and persons were invited to sign the original, which was kept for that purpose at the counting-house of Messrs. Higham & Co., merchants of some standing in Port-of-Spain.

Under ordinary circumstances and at another time an act so harmless in itself would scarcely have attracted the attention of the Executive, and certainly would not have called for any interference. But it must not be forgotten that ever since its conquest the Island had been in a state of considerable ferment, only kept from breaking into open disorder by the dread of Picton's well-known severity, nor that the only really quiet and orderly people in it were the old colo-

nists who were unanimously opposed to the object the promoters of the address professed to have in view.

Such being the case it is more than probable that Picton considered the discontented English, with all their show of loyalty, as far more likely to cause trouble than the French settlers. With these, as belonging to a foreign nation, it was easy enough for him to deal, but he looked upon the address praying for English laws more as a protest on the part of the English colonists against the form of government that the King of England had thought fit to maintain in Trinidad, than as a proof of loyalty and devotion towards the Sovereign himself, and subsequent events certainly proved his view to have been correct.

In order to obtain the greatest possible number of signatures to their petition, the leaders of the English party adopted an expedient very indicative of their nationality. In the month of December, 1802, notices were issued that a public dinner would be given on the 10th of that month in order, as it was stated, to celebrate the cessation of hostilities between England and France. Everyone, however, knew perfectly well that this was a mere pretext, and that the real object of the promoters of the dinner was to obtain signatures to the address to the King.

Picton considered that a meeting of this kind, which under the mask of a convivial assembly, aimed at carrying out a change of the Constitution of the Colony, was likely to cause serious discord in the community, and therefore determined to put a check upon the movement. He accordingly officially notified Mr. Wharton, the keeper of the tavern at which the dinner was to take place, that he would be held personally responsible for any meeting that might be held on his premises. In consequence of this notification the dinner was postponed, and, as may well be imagined, much angry feeling was caused amongst the promoters of the address by what they looked upon as the arbitrary conduct of the Governor. They convened a meeting to discuss the question, at which Mr. Higham stated that he did not consider the original address safe so long as it was in his hands. The action taken by General Picton, he maintained, showed beyond all doubt how hostile the Governor was to the object they

had in view, and he feared that if it were known to His Excellency that the document with the original signatures was in his possession, he might be exposed to a domiciliary visit in order to wrest it from him. Mr. Higham, after stating his grounds for alarm, thus concluded his speech :—"I will therefore leave my store for half an hour, and I hope that some friend to the address will take it without my knowledge and deposit it in some place of safety until a more favourable opportunity shall occur for carrying the intentions of the inhabitants into execution."

The expedient thus resorted to by Mr. Higham to rid himself of the dangerous document which had been entrusted to his care was, if not remarkable for boldness, at least ingenious, and is worth recording as illustrative of the times and of the relations between the Governor and those who, though quite disposed to intrigue against him, had a very wholesome dread of his severity.

It must not be supposed that Mr. Higham had not very good grounds for alarm. Later in the day he was summoned before the Governor, who, in that well known tone of command which few cared to hear twice, demanded the production of the address. Thanks to the *ruse* he had adopted, Higham was able to state that it had been abstracted from his store, and that he could not say where it was to be found. It will scarcely surprise those who have studied the history of Picton to learn that this answer did not by any means satisfy him. The unfortunate Higham was allowed half an hour to produce the missing document, which of course he could not do, and was then committed to gaol. He was not, however, kept long in custody; his friends, feeling that he should not be made the victim, sent the address to the Governor, and Higham was immediately released. In order, at the same time, to clearly mark his opinion of the conduct of the leaders of this movement, the Governor issued a Militia General Order, in which it was announced that Messrs. Higham and Shaw (the latter a very active member of the English party) had been deprived of their commissions in the First Battalion of the Trinidad Militia for "seditious conduct."

This announcement caused the greatest excitement, and the aggrieved parties tried every means to obtain redress for what they

deemed a great wrong. Eminent counsel in England were consulted by them as to the legality of the Governor's action, and it may be inferred that upon that point the opinion given was unfavourable, for they were advised that their only remedy was in a humble Petition to the King.

The discontent caused by the line of conduct pursued by General Picton towards the advocates of a change of Constitution for the Colony found vent in various acts, some of which would have cost their perpetrators dear had they been discovered. One morning a seditious placard, couched in the most inflammatory language, was found to have been posted during the night upon a sentry box on the King's Wharf. A strict enquiry was at once instituted, but without any definite result. In consequence of this the following Proclamation was issued:—

“The Commandants of Quarters and Alcaldes de Barrio are called upon to pay strict attention to the conduct of certain well-known seditious characters, who, disappointed in their endeavours to impose upon the good sense of the British inhabitants, are now employing every incendiary means to infuse a spirit of insubordination amongst the negroes and people of colour, by infamously representing the wholesome severity of the law exercised against fatal and pernicious crimes, which threaten the very existence of the Colony, as the emanation of a sanguinary, vindictive disposition, unnecessarily prodigal of human blood.

“As no reflecting person can be ignorant of the wicked intentions of these nefarious conspirators, His Excellency calls, not only upon the constituted authorities, but upon every respectable individual who knows how to value the safety of his person and property, to use his utmost endeavours to bring them forward; and he pledges himself that no obloquy or calumny shall deter him from doing prompt and substantial justice.

“PICTON.

“Given at Government House, Port-of-Spain, this 5th day of February, 1802.

“By His Excellency's Command,

“RICHARD COLLINS, Secretary.”

The intrigues of these dissatisfied persons and the various manœuvres by which they sought to attain their object were no secrets either to the Governor or to the leading persons in the community.

All those colonists, who, whether of English or foreign birth or

descent, had resided in the Colony for any length of time were fully convinced that for a considerable period at any rate, it would be most unadvisable to alter the laws under which the Island was governed, and to such a sweeping change as that advocated by the new comers they were of course entirely opposed.* They knew, however, that these latter were determined to gain their point if possible, and were far from scrupulous as to the means of doing so. The Cabildo, therefore, as representing the Colony, decided upon adopting a line of action which is thus recorded upon the minutes of that Body :—

“ At a Meeting of the Cabildo, held 31st May, 1802,

“ PRESENT :

| | |
|--|-------------|
| “ Don José F. Farfan, Alcalde of the First Election. | |
| „ John Black, Alcalde of the Second Election. | |
| „ John Langton, Alcalde of the Hermandad. | |
| „ Bart. Portel, Alguazil Mayor. | |
| „ Francisco de Castro, | } Regidors. |
| „ Juan Ventura Indane, | |
| „ Alex. Williams, M.D., | |
| „ José Vicente Bontour, | |
| „ William Handley, | |
| „ St. Hilaire Bégorrat, Syndic Procurator. | |

“ It was decreed as follows :—

“ That this Corporation having received the most positive information that ill-intentioned persons, stimulated solely by motives of personal enmity, have lately sent an agent from the Island of Barbados to England, whom they had induced by various promises to be the bearer of despatches containing the most atrocious calumnies against His Excellency the

* There were in England at this time some of the original settlers who did their best to correct the false impression which the enemies of Picton sought to create. This is shown by the following extract from a letter, addressed to the Governor, by Mr. Marryat, the agent for the Colony :—

“ . . . de Gourville called on me on the morning of his arrival, but no explanation was necessary from him to enable me to form my judgment on the complaints made against your Government in Trinidad. Jacobinism is no longer the rage, and whatever outcry her votaries may raise, they will be able to make no impression to your disadvantage here. On the contrary, every man acquainted with the Colony is aware of the very difficult and critical service your situation imposed upon you, and gives you the highest credit for having been able to preserve good order and subordination in a Colony which was the refuge of the democrats from all the French Islands, and of some of the worst characters from our own. To keep such spirits under, required no common care and talent. You have performed the task, and the thanks of your country at large, more particularly of those individuals connected with the Colony, are justly your due.”

De Gourville was a wealthy French planter, founder of the *Le Vivier* Estate. He was the Chevalier Dupont du Vivier de Gourville.

Governor, and accusing him of having caused a soldier of the Corps of Artillery, named Hugh Gallagher, to be executed by the Provost Marshal,—a man who had been guilty of committing an outrageous rape and robbery on the person of a widow woman on the high road to St. Joseph : considering how much they are bound in justice and gratitude to produce at all times the most authentic testimonies of the noble and disinterested conduct of a Governor who has rendered such important services to His Majesty and the Colony ; reflecting also on the circumstances in which the Island was placed at its conquest, and the imminent danger in which it stood of an insurrection formed by maroon slaves, who, uniting with the foreign and national deserters who daily escaped from the garrison of this Island, gave room to apprehend the most fearful disturbances ; Do now resolve : that they are convinced that none but men of the most malevolent minds could possibly censure the justice and severity of the measures taken by the Representative of His Majesty for the prevention of those misfortunes, by punishing in a summary manner all criminals detected committing flagrant offences, in order that such striking examples might intimidate those whose intention was to join them ; that the wicked only can impute injustice to the condemnation to death of a man guilty of rape and robbery, the laws that govern us clearly pointing out the punishment for those crimes, and allowing the summary execution to be inflicted by the Alcaldes of the Hermandad whenever such culprits are detected committing them in the country or on the high roads ; and considering, in short, that some credulous people, separated from us by great distance and entirely ignorant of our situation and locality, might be easily deceived by these perverse calumniators ;

“ Do further resolve :

“ That a summary information relative to the proceedings of the foregoing transaction be immediately commenced by a Commission consisting of :

“ Don GASPAR DE LA GUARDIA,

“ M. JEAN MARIE DANCLA,

and

“ RICHARD JOSEPH, Esquire,

to take evidence for transmission to England for the justification of the Governor.”

The military execution referred to in the foregoing extract from the archives of the Cabildo was ordered under the following circumstances.

Not quite three months after the capture of the Island, whilst it was still in a very unsettled state and when most undoubtedly the Colony was only saved from utter and entire ruin by the energy and

determination of the man whom Abercromby had left in it as his lieutenant, a brutal and atrocious crime was committed in the vicinity of Port-of-Spain by some of the very men whose duty it was to maintain law and order.

In those days there was no broad and well frequented road leading from Port-of-Spain to the Eastward, with houses bordering it at short intervals on each side, but only a lonely and rarely used bridle path over the Laventille hills, along which, on the afternoon of the 29th May, 1797, a free negro woman was returning to St. Joseph from Port-of-Spain, where she had been to transact some business. She had no one with her but a black girl, but probably feeling confidence from the knowledge that the new Government was stronger than the old one, she felt no fear. After leaving the outskirts of the town, the path led through high woods and dense thickets over the brow of the hill now forming the Laventille stone quarries. Here, too far from any house for their cries to be heard, the two women were suddenly attacked by four soldiers of the Garrison, who, having perpetrated upon them a most cowardly and brutal outrage, left them half dead from terror, having robbed them of everything valuable they had about them.

With great difficulty the poor women managed to make their way back to Port-of-Spain, where they made a complaint to the officer on duty at what were then called the Arsenal Barracks, which stood very nearly on the site of the present Roman Catholic Cathedral. The women identified the four men, and especially pointed out one Gallagher as the ringleader. A portion of the stolen property was actually found upon him, and, as he was as it were taken in the very act, he was handed over to the Provost Marshal and forthwith executed. The other three, whose names were Matthew Murphy, Andrew Redman and Patrick Kelly, were tried by Court Martial, found guilty as accessories, and sentenced to long terms of imprisonment and to corporal punishment of great severity.

The execution of Gallagher was attributed to Picton as a crime, and as a proof of that thirst for human blood which his enemies declared to be one of his chief characteristics. When, however, it is remembered in what peculiar and trying circumstances he was placed,

it is evident that no more blame attaches to him for acting as he did than to the captain of a vessel who, on the high seas, blows out the brains of the ringleader of a mutiny, in order by one act of well-timed severity, to save his ship. Unfortunately it has always been in the power of unscrupulous men to gull the English public with a few cant phrases of mock philanthropy, and events soon enabled the friends of the "English Party" to poison the minds of the King's Ministers against the man who, but a few months before, had been assured of His Sovereign's unmixed satisfaction with his conduct as Governor of Trinidad.*

In 1801 the unreasonable opposition of George III. to Catholic Emancipation caused Mr. Pitt to resign, and the formation of a new Cabinet was entrusted to Mr. Addington, afterwards Lord Sidmouth.

With the change of Ministry came a change of policy towards the West India Colonies, of which Trinidad was one of the first to feel the effects, and so disastrous were these and so clear is it that misrepresentations were made to which the Ministers attached implicit belief, that it really would appear that the members of the Addington Cabinet were among those "credulous people at a distance" for whose enlightenment the manifesto of the Cabildo, already cited, was especially intended.

A year had barely elapsed from the date upon which Lord Hobart, in announcing to Picton his nomination by the King as Governor of Trinidad, had complimented him in the highest terms upon his "zeal and ability in administering the affairs of the Colony," when the same Minister informed him that "*His Majesty had thought it expedient to place the Government of the Island in Commission, judging that, from the union of Civil, Military, and Naval talents, combined in the persons selected for this service, advantages must arise which could not be expected from the labours of any one individual.*"

This was the first of a series of experiments to which Trinidad

* The execution of Gallagher was an exceptional case, as may be inferred from the following letter written by Picton to Abercromby about the same period:—

" . . . By H.M.S. *Pelican* I send to Head Quarters five deserters from Brigadier-General Hompesch's Regiment. It was not my intention to have troubled Your Excellency with any of them, but as they complain of a want of justice, and say that their never having been accounted with has been the reason of their desertion, I could not think of proceeding against them in a summary manner."—Mem. of Picton: Robinson, vol. i., pp. 61-2.

was to be subjected, and certainly, as the sequel will shew, it was a most unfortunate *coup d'essai*.

The First Commissioner was Colonel William Fullarton ; Picton was retained as Second ("the experience of your conduct from the time the Island was first placed under your charge having induced His Majesty to select you as one of the persons to whom this important trust shall be confided," were Lord Hobart's words, which read almost like an insult) ; and Commodore (afterwards Sir Samuel) Hood was the Third.

It is impossible, especially with the light thrown by subsequent events upon this most extraordinary decision of the Home Government, to avoid coming to the conclusion that some gross misrepresentations must have been made to, *and credited by*, the King's Ministers, for it is otherwise inconceivable that such a slight should have been put upon an officer of high rank,* who had successfully governed the Colony during six most difficult and eventful years, entirely unaided, save by his own indomitable energy and decision.

It was a slight that he felt and deeply resented. In a letter to a friend, quoted by his biographer, he wrote :—

"After the continual assurances of the satisfaction which I have given by the active and, as they say, judicious discharge of my duty,

* The motives that led the Ministry to act in this most extraordinary manner towards a man who had deserved and enjoyed the confidence of his Sovereign have never been made public, but such particulars connected with the appointment of the Commission as have from time to time become known are here recapitulated in order that the impartial reader may form his own opinion.

In the year 1802 there resided in the town of Galway a physician named Lynch, whose brother-in-law, Mr. Nicholas Lynch, had some time previously settled in Trinidad. In 1801 Nicholas Lynch paid a visit to his relations in Ireland and described to his brother-in-law, in very glowing terms, the advantages he would reap if he abandoned the scanty emoluments of a country Doctor in the West of Ireland, and establish himself in Trinidad, where, at that time, duly qualified medical men were very rarely met with.

Doctor Lynch, partly induced by these representations, and still further influenced by the statements which were continually appearing in the newspapers with regard to the advantages the Government offered to early settlers in Trinidad, decided to try his fortune in that Colony. He procured two letters of introduction to Colonel Picton, one from General Craig and another from a mercantile house in London, and then, having seen notices in the public papers that the Government was prepared to give large tracts of land in Trinidad to white settlers in the Colony, he called at the Colonial Office in November, 1802, to have an interview with Lord Hobart, then Secretary of State for the Colonies.

On that occasion he was not able to see either Lord Hobart or the Under Secretary of State, the Hon. John Sullivan ; but he stated the object he had in view to

together with their reiterated assertions that the Government of the Island should undergo no alterations, I, the next month, received a letter announcing that I am to consider myself no longer as the Governor, but in consideration of my *good conduct* (!) I am told that I am appointed to the important post of a *Junior Commissioner*."

If it be asked why, under these circumstances, Picton did not decline the appointment thus offered to him, the answer is that he acted in accordance with that same spirit of devotion to what he believed to be his duty which characterized him throughout his life and which crowned his splendid career some years later on the field of Waterloo. He determined to remain in order to impart all necessary information to his colleagues on their arrival, but with the resolve to take the first subsequent opportunity which might present itself of retiring from a position, humiliating to himself and in which his sphere of usefulness to the Colony must necessarily be much restricted.

Many years later, in 1847, when all the principal personages who figured in this transaction were in their graves, a letter appeared in the *Port-of-Spain Gazette*, which is quoted here, not because all the statements in it are to be taken as absolute truth, but because, written as it evidently was, by one who had been a resident in the Island during the period of which he wrote, it conveys the opinions he formed at the time, of both the events and the actors.

one of the *employés* and was desired to return the next day. He did so, and then was introduced to Mr. Sullivan by the same gentleman with whom he had spoken on the previous day. After some conversation and when about to take his leave, Mr. Sullivan asked Dr. Lynch whether he had any letters of introduction to His Majesty's Commissioners in Trinidad, and on his replying that he had only two for Colonel Picton, the Under Secretary recommended him, if possible, to procure some for the First Commissioner, Colonel Fullarton, giving as a reason for such recommendation that Colonel Fullarton would have it in his power to be of more service to him than Colonel Picton, as in all probability the latter would be ordered to return to England before the expiration of six months, Colonel Fullarton having been instructed to investigate the conduct of Colonel Picton during the past years of his government. Doctor Lynch was at that time quite unacquainted with Colonel Picton and equally so with the other members of the Commission, Colonel Fullarton and Commodore Hood. He sailed for Trinidad early in February, 1803, and arrived in the Colony in March. On board, during the voyage, he mentioned to his fellow-passengers the conversation he had had with Mr. Sullivan, but did not then attach any particular importance to it. When, however, shortly after his arrival it became evident (as will appear in the following chapters) that the First Commissioner was most undoubtedly making most minute enquiries into every detail of the period when Picton was sole Governor of the Colony, the words of the Under Secretary came back to his memory with redoubled force, and he freely spoke of what had occurred at his visit at the Colonial Office in the preceding year.

This letter, to which we shall again have occasion to refer, was entitled "Rambling Reminiscences of an Island of Experiment," and professed to be a retrospect of all that had occurred since the Capitulation.

Alluding to the matter at issue between the Under-Secretary of State and Dr. Lynch, the writer says :—

"One John Sullivan, long employed in the East India Company's Service, had lustily shaken the pagoda tree: desirous of turning his profits to account, he purchased a share in the armed French ship *Elizabeth*. War being declared shortly afterwards, she, in company with the *Pourvoyante*, French frigate, took the *Otterley*, an Indiaman, worth £300,000. (See *Anti-Jacobin Review*, December, 1806: Dr. Lynch's Pamphlet.) Being a favourite, possessing certain secrets of the Company, he was reprimanded and mulcted in the sum of £4,000. His partner, John Whitehill, shunned a trial, fled his country, and died an exile in France.

"There was a Mr. Fullarton who distinguished himself in certain palanquin wars in India; raising a part of the 23rd Dragoons, he obtained the stellar rank of Colonel; he and Sullivan were associates; "*Arcades Ambo*." Returning home, the latter became a Right Honourable and found a place as Under Colonial Secretary of State to my Lord Buckinghamshire. Fired with the glow of sacred friendship, he prevailed upon his clever chief to give our Island of experiment three Governors—Fullarton first (notwithstanding the Duke of York's remonstrances), Picton second, and the friend of the mighty Nelson, Commodore Hood, the third. . . . I see him (Fullarton) now, with a shabby Windsor uniform, yellow nankeen waistcoat and shorts, blue hose, shoes with huge buckles, all begrimed with snuff, and a dress parchment scabbarded sword, stalking up to the (future) conqueror of Badajos, advancing his right shank, his dexter hand on his Toledo, looking Gorgonic."

His statement, which he subsequently embodied in an affidavit, figured a few years later in an action for libel brought against Colonel Draper in the Court of King's Bench, to which further reference will be made in due course. It is sufficient at present to mention the statement as the only explanation which at the time (1802) reached Picton of the unprecedented course pursued towards him.

No official intimation was made to him of the reasons which had induced His Majesty's Government to withdraw their confidence in him and to repose it in a man his inferior in military rank, and whose experience, even if of any value, had been gained in a very different sphere of action.

Fullarton was a man of good family connexion and possessed of considerable political interest, two very important advantages for those who desire to obtain colonial appointments. He had been for some years in the service of the Honourable East India Company, from which however it appears he had retired, for in 1794 he raised, at his own expense, the 23rd Regiment of Light Dragoons. In consequence of some question concerning his military rank, Colonel Fullarton never took actual command of his Regiment; but at the same time he contrived to be mixed up in various matters connected with it of a somewhat disagreeable nature. These only concern this history in so far that when it became known that he was about to be named First Commissioner to Trinidad, His Royal Highness the Duke of York, then Commander-

This description is evidently a caricature ; but, like all caricatures, is drawn upon lines which really existed, and when the reader will have before him all the circumstances connected with what was known as the "Commission Government," he will be able to judge how near it was to the original.

The Third Commissioner, Commodore Hood, was a blunt, straightforward sailor, well calculated to co-operate with such a man as Picton, and had the First Commissioner been of the same stamp, matters might possibly have gone on smoothly, at least for a time. Unfortunately such was very far from being the case, and the result was that, in order to try a fanciful experiment, Trinidad was suddenly plunged into a state of confusion, far worse in many respects than that from which it had just been rescued. In the following chapters the history of this memorable period will be fully detailed, but before commencing the narrative it will be well to look at the condition of the Colony which had now for six years been under the sole rule of Picton.

After the time had elapsed which the Proclamation of the English

in-Chief, addressed the following letter to Lord Hobart, the Secretary of State for the Colonies, under date the 15th June, 1802 :—

"My Lord,—Understanding that it is intended to employ Colonel Fullarton in some public capacity in the West Indies, my duty obliges me to acquaint Your Lordship that there are such serious claims against Colonel Fullarton by the persons furnishing clothing and appointments to the 23rd Regiment of Light Dragoons for payment of their demands, that I have to point out to Your Lordship the expediency of Colonel Fullarton not being allowed to proceed on the intended service until he shall have settled the demands against him to the satisfaction of the Irish Government and the Secretary at War.

"FREDERICK."

It appears that this charge was met by Colonel Fullarton with a statement that he was unable to satisfy these claims in consequence of a delay on the part of the Government in settling accounts with him in connexion with the Regiment when it was disbanded ; and the curious in such matters may satisfy themselves as to the way in which such transactions were conducted in former days by a perusal of "The Trial of Edward Alured Draper, Esquire, for a Libel," which is contained in Howell's State Trials, vol. xxx.

At any rate the Duke of York was satisfied, and Colonel Fullarton was allowed to accept his West Indian appointment.

That he came to that appointment strongly prejudiced against the man he was to supersede, it is impossible to disbelieve. The causes of that prejudice are veiled in mystery ; it is, however, open to this explanation : At the time of his nomination he was member for Ayrshire, and it is very possible that many of his constituents were connected with the very men who were most clamorous against Picton on account of his determination not to allow the recent settlers to carry everything with a high hand, and that Fullarton may have received his unfavourable impressions of his colleague from them.

Commanders in 1797 accorded to all those who did not wish to take the oath of allegiance to the King of England to leave the Island, a general census of the inhabitants was taken, of which the following was the result :—

| WHITES. | | | | | | | |
|----------------|-----|--------------|-----|--------------|-----|--------------|--------|
| Men. | | Women. | | Boys. | | Girls. | Total. |
| 929 | ... | 590 | ... | 301 | ... | 266 | ... |
| | | | | | | | 2,086 |
| FREE COLOURED. | | | | | | | |
| 1,196 | ... | 1,624 | ... | 895 | ... | 751 | ... |
| | | | | | | | 4,466 |
| INDIANS. | | | | | | | |
| 305 | ... | 401 | ... | 190 | ... | 186 | ... |
| | | | | | | | 1,082 |
| SLAVES. | | | | | | | |
| 4,164 | ... | 3,505 | ... | 1,232 | ... | 1,108 | ... |
| | | | | | | | 10,009 |
| <u>6,594</u> | ... | <u>6,120</u> | ... | <u>2,618</u> | ... | <u>2,311</u> | ... |
| | | | | | | | 17,643 |

In 1803 the population numbered :—

| WHITES. | | | | | | | |
|----------------|-----|-----|-----|-----|-----|-----------------|--------|
| English | ... | ... | ... | ... | ... | 663 | |
| Spanish | ... | ... | ... | ... | ... | 605 | |
| French | ... | ... | ... | ... | ... | 1,093 | |
| | | | | | | <u> </u> | 2,361 |
| FREE COLOURED. | | | | | | | |
| English | ... | ... | ... | ... | ... | 599 | |
| Spanish | ... | ... | ... | ... | ... | 1,751 | |
| French | ... | ... | ... | ... | ... | 2,925 | |
| | | | | | | <u> </u> | 5,275 |
| Indians | ... | ... | ... | ... | ... | ... | 1,154 |
| Slaves | ... | ... | ... | ... | ... | ... | 20,464 |
| | | | | | | <u> </u> | |
| Total | ... | ... | ... | ... | ... | ... | 29,254 |

In 1796 the produce of the Island had been :—

| | | | | |
|------------------------|-----|-----|---------|------|
| From 159 Sugar Estates | ... | ... | 7,800 | hhd. |
| „ 130 Coffee „ | ... | ... | 330,000 | lbs. |
| „ 60 Cacao „ | ... | ... | 96,000 | „ |
| „ 103 Cotton „ | ... | ... | 224,000 | „ |

and Mr. McCallum, who had full opportunities for learning the com-

mercial status of the Colony, gives the following figures as representing the Exports from Trinidad during the years 1799, 1800, 1801 :—

| 1799. | | | | | |
|--------|-----|-----|-----|-----|----------------|
| Sugar | ... | ... | ... | ... | 26,728 cwt. |
| Coffee | ... | ... | ... | ... | 1,898 „ |
| Rum | ... | ... | ... | ... | 164 galls. |
| Cotton | ... | ... | ... | ... | 1,403,290 lbs. |

| 1800. | | | | | |
|--------|-----|-----|-----|-----|--------------|
| Sugar | ... | ... | ... | ... | 54,515 cwt. |
| Coffee | ... | ... | ... | ... | 4,357 „ |
| Rum | ... | ... | ... | ... | 3,018 galls. |
| Cotton | ... | ... | ... | ... | 863,987 lbs. |

| 1801. | | | | | |
|--------|-----|-----|-----|-----|----------------|
| Sugar | ... | ... | ... | ... | 69,551 cwt. |
| Coffee | ... | ... | ... | ... | 3,327 „ |
| Rum | ... | ... | ... | ... | 19,537 galls. |
| Cotton | ... | ... | ... | ... | 1,289,572 lbs. |

A Pamphlet which appeared a few years later under the title of “A Political Account of the Island of Trinidad,” furnishes the following statistics of the produce of the Island at this time, and as it was written with the avowed object of exposing what were alleged to be the vices of Picton’s administration, the author cannot be suspected of having cooked the figures in order to shew the progress of the Colony.

According to this writer the Exports of 1799–1803 were :—

| 1799. | | | | | |
|----------|-----|-----|-----|-----|----------------|
| Sugar | ... | ... | ... | ... | 8,419,859 lbs. |
| Rum | ... | ... | ... | ... | 170,671 galls. |
| Molasses | ... | ... | ... | ... | 142,636 „ |
| Cacao | ... | ... | ... | ... | 258,390 lbs. |
| Coffee | ... | ... | ... | ... | 335,913 „ |
| Cotton | ... | ... | ... | ... | 323,415 „ |

| 1800. | | | | | |
|----------|-----|-----|-----|-----|----------------|
| Sugar | ... | ... | ... | ... | 9,895,634 lbs. |
| Rum | ... | ... | ... | ... | 194,488 galls. |
| Molasses | ... | ... | ... | ... | 128,507 „ |
| Cacao | ... | ... | ... | ... | 284,170 lbs. |
| Coffee | ... | ... | ... | ... | 449,614 „ |
| Cotton | ... | ... | ... | ... | 317,395 „ |

1801.

| | | | | | |
|----------|-----|-----|-----|-----|-----------------|
| Sugar | ... | ... | ... | ... | 15,461,912 lbs. |
| Rum | ... | ... | ... | ... | 343,113 galls. |
| Molasses | ... | ... | ... | ... | 173,369 „ |
| Cacao | ... | ... | ... | ... | 324,720 lbs. |
| Coffee | ... | ... | ... | ... | 328,666 „ |
| Cotton | ... | ... | ... | ... | 262,997 „ |

1802.

| | | | | | |
|----------|-----|-----|-----|-----|-----------------|
| Sugar | ... | ... | ... | ... | 14,164,984 lbs. |
| Rum | ... | ... | ... | ... | 350,049 galls. |
| Molasses | ... | ... | ... | ... | 143,237 „ |
| Cacao | ... | ... | ... | ... | 138,699 lbs. |
| Coffee | ... | ... | ... | ... | 278,274 „ |
| Cotton | ... | ... | ... | ... | 190,210 „ |

1803.

| | | | | | |
|----------|-----|-----|-----|-----|-----------------|
| Sugar | ... | ... | ... | ... | 16,014,036 lbs. |
| Rum | ... | ... | ... | ... | 344,292 galls. |
| Molasses | ... | ... | ... | ... | 214,120 „ |
| Cacao | ... | ... | ... | ... | 361,070 lbs. |
| Coffee | ... | ... | ... | ... | 185,658 „ |
| Cotton | ... | ... | ... | ... | 478,046 „ |

In the last year of Picton's Government (1802) there were—

| | | | | |
|-----|-----------------------|-----|-----|--------------|
| 193 | Sugar Estates, making | ... | ... | 15,461 hhd. |
| 128 | Coffee „ yielding | ... | ... | 358,660 lbs. |
| 57 | Cacao „ „ | ... | ... | 97,000 „ |
| 101 | Cotton „ „ | ... | ... | 263,000 „ |

so that whilst none of the other staples had diminished, the cultivation and production of sugar had been doubled during the six years which had elapsed since the conquest.

The impulse given to the trade of the Island by the wonderful success of the Cedula of 1783 had of course been felt in every branch of industry. Previous to that year one small vessel of about one hundred and fifty tons burthen, belonging to a Dutch firm in the Island of St. Eustatius, had carried on all the commerce of the Colony, coming to the Island two or three times a year with such articles as were required by the inhabitants, and which were bartered for cacao, vanilla, indigo, annotto, cotton and maize, sugar not being then produced in the Island at all; but from 1784 to 1797 the average yearly

tonnage had been between seven and eight thousand tons, whilst in 1802, only five years later, it was fifteen thousand tons.

During the same five years the merchants of Trinidad sold annually, on an average, articles of British manufacture to the amount of one million sterling to the traders from Venezuela, receiving payment either in doubloons, which were then at a high premium, or articles upon which they, in their turn, realized a profit of 100 per cent.* This great advance in material prosperity under Chacon's administration was undoubtedly due to the influx of population consequent upon the publication of the Cedula, but when the rapid development of the resources of the Colony during the five years succeeding the conquest is taken into consideration, it is impossible not to be struck with the manifest untruth of the allegation made at the time and repeated again and again, that Trinidad was groaning under a brutal taskmaster who crippled all efforts for the improvement of the Colony.

It was not only in agriculture and commerce that the effects of the change of Government were perceptible. The roads, which when the English became masters of the Island were almost impassable, had gained the reputation of being the best in the West Indies, and communication was being extended throughout the Colony in every direction. The Militia, which under the weak rule of Chacon had been a worse than useless institution, had been brought into a high state of efficiency, and after finding the Colonial Treasury absolutely empty when he assumed the Government in 1797, General Picton was able to hand it over to the Commissioners in 1803 with a balance to the credit of the Colony of \$100,000!

Nor was this all that he had effected. There exists on record the testimony of old and respectable inhabitants, that during the last few years of Chacon's administration, there had been nothing but anarchy and confusion; but that no sooner had Picton assumed the Government than in an incredibly short space of time, he established peace and order and guaranteed security of property.† Doubtless, in

* In a Report made by Picton to the Secretary of State about this time, he stated that one hundred Spanish launches cleared from Trinidad annually, carrying articles of British manufacture to the value of \$8,000,000.

† *Vide* Appendix.

order to effect this change he had been compelled to resort on more than one occasion to strong measures, which personal animosity and the exigencies of party designated "bloodthirsty atrocities," but the men who thus stigmatized Picton's conduct had not shared in the dangers from which he had saved the Colony, (although considerable gainers by his exertions) and cannot therefore be considered so fit to form an opinion, as those who had been daily witnesses of his acts during the six trying years of his sole government of Trinidad.





CHAPTER XI.

IN January, 1803, Colonel Fullarton, the newly-appointed First Commissioner, arrived in Trinidad on board H.M.S. *Ulysses*, accompanied by Colonel Rutherford of the Royal Engineers, who had been named Surveyor General of the Island, Mr. Woodyear, Secretary to the Commissioners, and other officers forming his personal staff. Mrs. Fullarton and her sister were also of the party, and, if local and contemporary writers are to be believed, the presence of these ladies in the Island had very much to do with the subsequent disagreements between the First and Second Commissioners.

Fullarton was a perfect stranger to Picton, and the latter seeing in him only the Representative of the Sovereign, and one, who however unjustly, had been placed by that Sovereign in a position of superiority to himself, received him on his arrival not only with every public and official mark of respect but with personal cordiality.

Of this Fullarton himself bore witness in a letter written shortly after his arrival to Mr. Sullivan, in which he reported his "being received by General Picton with great politeness and with all the attention which Lord Hobart had been pleased to direct," and adding, "General Picton and I have carefully read Lord Hobart's instructions to the Commissioners, and we shall not lose a moment in preparing to carry His Lordship's intention into effect."

This good feeling, whether real at the time or only assumed, was not of long duration, and the First Commissioner soon began to give evident signs of his determination to take the government of the Colony entirely into his own hands. In after years, when refer-

ring to this unfortunate period of his life, Picton was in the habit of saying, "I began after a short time to think that Colonel Fullarton was sent out to supersede me as Governor of the Colony; for long before the arrival of Commodore Hood he would have taken the management of both myself and the Government under his sole control."

Under such circumstances an open rupture was imminent and soon occurred; it arose out of a matter trivial enough in itself, but which was sufficient to fire a mine which only required a spark to explode.

Picton had frequently found himself compelled to banish from the Island persons who either refused to take the oath of allegiance, or became compromised, directly or indirectly, in the incessant attempts which were made to disturb the peace of the Colony, and amongst the persons so banished was an old coloured woman named Duval. No record exists of the offence for which she had been sent off the Island, but as a fact she had incurred that penalty. Shortly after Colonel Fullarton's arrival she found means to communicate with him, and obtained permission from him to come to Trinidad for a short time on business of her own,—a permission which Colonel Fullarton granted without any consultation with the Second Commissioner.

When Mme. Duval landed she reported her arrival at the office of the First Commissioner, who immediately directed Mr. Woodyear, the Secretary to the Commission, to take her to General Picton, and to communicate to that officer the circumstances under which she had been permitted to return to the Island. This step on the part of Colonel Fullarton appears somewhat singular, and would seem to indicate that he had come to the conclusion that what he had done required explanation, if not justification, and that he therefore felt it necessary to send no less a person than the Secretary to explain how matters stood.

Whether, as he afterwards asserted, his envoy made mischief by delivering a wrong message, or whether Picton's fiery temper, already irritated by numerous petty slights, at last became uncontrollable, is difficult to determine from the conflicting statements made by all three, but there can be no doubt that Picton was highly exasperated,

and not without reason, by what he deemed a most unwarrantable act on the part of the First Commissioner. No sooner did Mme. Duval make her appearance before him than he caused her to be arrested, and then sent her back to Colonel Fullarton in charge of an *Alguazil** with an order signed by himself, that she was at once to be sent off the Island. In acting as he did on this occasion Picton was undoubtedly wrong ; he had no longer the power to make such an order alone, and the exhibition of temper into which he was betrayed was quite incompatible with the relative positions of his colleague and himself, but it must be admitted that the steps subsequently taken by Colonel Fullarton were not one whit more prudent, though possibly, more legally justifiable.

He released the unfortunate woman, who by this time must have begun to think herself in some danger between the two irate Commissioners, and again sent a verbal message to explain matters, this time by his Private Secretary. Whatever explanation was offered on that occasion appears to have been the reverse of satisfactory, for on the evening of the same day an incident occurred which proved that Picton's resentment had by no means been appeased.

At about eight in the evening Colonel Fullarton was with his family and some friends in the drawing-room of the house in which he resided, when he was informed that General Picton desired to speak with him. No sooner had Picton entered the room than it was manifest that his was not a friendly visit, and Colonel Fullarton at once invited him into the comparative privacy of the verandah so that their interview might not take place in the presence of third parties. This precaution, however, was of little use, for in a very few minutes the nature of their conversation became but too evident. The voices of the two Commissioners were heard in loud and angry dispute, and a most undignified altercation took place between them, highly unbecoming men of their rank and relative positions, and which was the more to be regretted from its having occurred in the house, and almost in the presence of the family, of one of the two disputants.

According to Mr. McCallum the following apology was written

* To the present day the Creoles apply this old Spanish name to the Police.

and sent to Mrs. Fullarton by Picton a day or two after this unfortunate incident :—

“ Brigadier-General Picton hopes Mrs. Fullarton will do him the justice of believing that nothing could be further from his intentions than offering her any offence, by the high tone of voice he employed the other evening. When he began the conversation he entirely ceased to recollect that Mrs. Fullarton and the family were within hearing. He trusts he shall never have the misfortune of incurring a similar suspicion.”

There can be no reason for refusing to believe that Picton made such an apology, although his having done so is not mentioned by his biographer, and it is rendered the more probable from the fact that a reconciliation between the two Commissioners was immediately brought about by mutual friends.

It was not, however, of long duration, for at the next meeting of Council, only a few days later, Colonel Fullarton entered at very great length into the details of the whole disagreement between himself and General Picton, the chief blame for which he endeavoured to cast upon Woodyear, whom he proposed should be suspended from the functions of his office for having wilfully made mischief between himself and the Second Commissioner. Picton strongly opposed this measure, but Fullarton carried it by his casting vote.*

At this critical juncture Commodore Hood the Third Commissioner arrived and Fullarton at once threw off the mask he had hitherto thought it prudent to assume. On the very first occasion on which the three Commissioners assembled in Council, he moved for the production of “a certified statement of all the criminal proceedings which had taken place under the late Government of the Island,† and a list specifying every individual, of whatever country, colour, or condition who had been imprisoned, banished, fettered, flogged, mutilated, tortured to extort confession, hanged, burned alive or otherwise punished.” This motion of the First Commissioner could only be interpreted in one way; and Picton, in order to be in a position to

* The members of the Council had no votes: they each gave their opinion, but the decision rested with the Governor, and in this instance there being but two Commissioners present, Fullarton, of course, carried his point.

† That is, whilst Picton was sole Governor.

meet the serious charges thus suddenly brought against him, demanded that the original proceedings in all criminal causes tried during his Government should be laid before the Council, and that the same should be transmitted to the Secretary of State. The Escribano, or Registrar of the Criminal Court, was accordingly instructed to produce them.

The news of what had occurred spread with rapidity throughout the community and created intense excitement and no little alarm. Picton's friends, amongst whom were the oldest and most influential residents in the Colony, were indignant at the treatment he had received; whilst the new-comers, the speculators and adventurers, whom he had kept at a distance and whose plans he had thwarted, were elated in an equal degree at the turn events were taking. All parties, therefore, eagerly looked forward to the next meeting of Council, which was fixed for the 24th March.

On that occasion the members present were, besides the three Commissioners, Messrs. Nihell, Black, and Bégorrat. In addition to these, Mr. Archibald Gloster, who had recently been appointed Attorney-General of the Island, and Mr. Geo. Adderly, who had been nominated Secretary to the Commissioners, in the place of Woodyear, were sworn of His Majesty's Council and took their seats at the Board. As soon as the proceedings opened the First Commissioner desired that the two following letters should be read, and inserted on the minutes:—

(1.—*Colonel Fullarton to A. Gloster, Esquire*).

“Port-of-Spain,

“9th March, 1803.

“Dear Sir,—As a Crown Lawyer and a gentleman of whose abilities I have a great estimation, and as an old friend of General Picton's, I request the favour of your sentiments on the following subjects:—

“You are no stranger to the misunderstanding which occurred between General Picton and me on the 12th February, in consequence of my having granted permission to a French woman, named Mme. Duval, to come to this Island for a short time to arrange some affairs of property.

“On the following Monday, the 15th, I produced four papers in Council and moved that they should be read, and entered on the Minutes.

But as a reconciliation took place, by the unanimous suggestion of the members of Council, those papers were withdrawn, and the Secretary tore them. The documents in question, however, had been signed in duplicate and these remained locked up in my box.

“On the 17th February the Council again assembled, and after some current business, and before I made any allusion whatever to the business of the preceding discussion, General Picton stated that notwithstanding the reconciliation between him and me, he was hurt in his feelings by the concluding part of my paper marked No. 4. The motion at the end of that paper required that a certified statement should be produced of all criminal proceedings, and a List specifying the individuals who have been banished, or otherwise suffered punishment, since the commencement of the late Government.

“The General seemed to consider the parts of my motion and enumeration at the end of paper No. 4, as intended to convey implications unfavourable to his Government, and as originating in communications which I must have received from dangerous and disaffected persons hostile to him, because he had exposed or reprobated their character or conduct.

“Afterwards in the same meeting of Council on the 17th February, I felt it my duty to move for the suspension of Mr. Woodyear from the office of Public Secretary ; General Picton strongly opposed this suspension, stating that it opened up the whole transaction. The members of Council declared that in their opinion Mr. Woodyear’s conduct had occasioned the misunderstanding between General Picton and me, and that he should be reprimanded, but they wished that his suspension should not take place. My answer was, that the grounds of my reconciliation with General Picton rested on the error into which he had been led by Mr. Woodyear, and that his suspension could not in any respect affect that reconciliation. In fact, his continuing in the confidential office of Secretary after such a transaction appeared entirely out of the question, especially as the gentlemen who were at my house on the 12th February, and who signed the paper No. 3, stating the altercation which took place in their hearing, all heard General Picton repeatedly insist that he had acted in consequence of communication made to him from me through the Public Secretary, and that if the Public Secretary had misled him, or misrepresented facts, he must answer for it, and then insisted upon taking Mr. Woodyear’s oath upon the subject.”

“My answer has always been that I refused every communication which tended in any respect to reflect on the preceding Government, and have in all instances avoided retrospect. On a subsequent day I stated in Council that my information on one of the points in my enumeration which gave most offence, was received from a member of Council, and that the other points of enumeration were almost literally taken from a paper signed and put in my hands by Wm. Payne, the public executioner. I have already, with all my force, stated to the Council and to you, how much I am impressed with the disrepute and diminished estimation which must of necessity attach to all those who either promote or continue in a state of altercation, and my sincere desire to conduct the business of

the Colony on terms of cordial co-operation with General Picton and of conciliation with all description of persons.

“ Under this view of the case allow me to request your sentiments on the following points :—

“ 1. Whether, after the violence with which General Picton addressed and accused me respecting Mme. Duval on the evening of the 12th February, it was not my duty to repel the imputation, and to move for such lists as might enable me to guard against similar expressions, by knowing the persons who had fallen under the displeasure of General Picton, or who happen to be connected with individuals who have suffered punishment of any description ?

“ 2. Whether there is any instance within your knowledge of any English Judge or Governor taking offence at anyone who might have occasion to move for a statement of judicial proceedings, or to require a list of persons who had suffered punishment by due course of law ?

“ 3. Would not any English Judge or Governor, who should take offence at such a motion or enumeration, in which no species of accusation is expressed, be considered as admitting implications injurious to himself ?

“ I have the honour to be, &c., &c., &c.,

“ WILLIAM FULLARTON.”

(2.—*Mr. Gloster to Colonel Fullarton, in reply*).

“ Port-d’Espagne,

“ March 10th, 1803.

“ Dear Sir,—I have been honoured with Your Excellency’s letter of yesterday’s date.

“ As I am flattered with the idea that I possess both Your Excellency’s, and General Picton’s good opinion, no man can deplore more seriously than I do the unfortunate misunderstanding that has arisen between you, and I should have felt particularly proud by any effort of mine, to have restored mutual confidence and reciprocal estimation.

“ Before I venture to give an answer to the queries submitted by Your Excellency for my consideration, which, I can fully say I wish had been *Questions of Law*, I must recur to my former ideas conveyed to Your Excellency in conversation some days since, upon the subject of the paper No. 4. I certainly did apprehend and express to Your Excellency, at your particular solicitation, my opinion, that worded as the paper or motion No. 4 was, it appeared to throw an apparent imputation upon the Brigadier-General by calling for a detailed account of severities, &c., alleged to have been actually practiced and tolerated during the period of the late Government of which the Brigadier-General was the head.

"Since offering those statements to Your Excellency I have again carefully revised them, and however Your Excellency's meaning by such a paper and motion may have been remote from inculcating anything unfavourable to the Brigadier-General, or not intended to wound his feelings, I am still free to think, and to declare, with the candour of a gentleman regarding equally both parties, that his deeming it an implication injurious to his command, was almost the natural result of the subject.

"In reply to Your Excellency's first query; I answer; that not having been present at the conversation that took place on the evening of the 12th February, and not having the Brigadier's written statement also laid before me to aid me in my conclusions, I cannot form so full a judgment as I could wish, and so indeed as to decide peremptorily whether Your Excellency was in duty bound, or otherwise, to repel it by a motion similar to the one in paper 4.

"I clearly, however, conceive that Your Excellency being furnished with an authentic list of persons *déportés* by the Brigadier-General's orders during his Government, and who have fallen under his displeasure, (I presume for acts hostile to the tranquillity of the Colony), would serve to prevent any further altercation or misunderstanding between you upon the subject of their re-entry, or total exclusion from the Colony.

"With regard to the second query; I can only reply, that in those Colonies in which I have resided, no such question could arise, nor could offence be given or taken; the judicial proceedings, except in the Court of Chancery, not being in the hands of the Governor, and any legal revision of a decree of that Tribunal being only by appeal to the King in Council.

"With regard to Your Excellency's third query, I must say that it is difficult of solution, as a question of *particular delicacy*. It depends greatly upon what *is*, or *is not*, *felt as accusation*; for although you may not charge a man *directly*, yet you may so put a point as to make it accusatory. It is the mode of putting the thing, and if that mode is felt as injurious, it is not in my opinion 'to admit an opinion injurious to oneself,' to take umbrage at it, or suppose it an offence; Cæsar's wife's chastity was not even to be *suspected*.

"The mind of a man of lofty sentiments and high honour will not feel comfortable with the bare imagination of criminality entertained by others to his prejudice, much less with a direct imputation. For surely the necessity for a call for an odious enquiry must reflect odium upon, and implicate such, as are thought capable of giving rise or occasion to the enquiry. I will allow that were I to take up the Decalogue and ask any of my friends, Judges, or Governors, whether they were guilty of theft, robbery or murder, it would not disturb their peace of mind, but, on the contrary, in the elegant language of Junius, 'such questions might perhaps discompose the gravity of the mind, but little affect the tranquillity of the conscience;' but, *if in order to repel supposed insult or to guard against conceived aggression*, I am led to call for a public account of penal inflictions of the severest possible nature, alleged to have actually existed, and, moreover, mark in the strongest manner the precise period when

these punishments took place, however pure and undefiled the mind which presided in the Government at the time may be, however unconscious of maladministration in itself, or of the toleration of it in others, yet it must feel wounded and hurt, and in proportion to its soreness will it revolt. The *mens sibi conscia recti* is a source of great consolation, but surely we must recollect that it is not the guilty man who is always the most vulnerable.

“I have the honour to be, &c., &c.,

“ARCH. GLOSTER.”

It seems incredible that Fullarton should not have read condemnation of his proceedings in every line of the Attorney-General's letter, and coming as it did from one whose opinion in the matter he had himself solicited, he should at least have paused in the course he was pursuing. Far from this, the production of these letters was but the prelude to a still more violent attack upon Picton.

After several papers had been read in connexion with the dispute concerning Mme. Duval, the First Commissioner addressed the Board at great length, vindicating his own conduct since his arrival and attacking that of General Picton from the first day he had assumed the Government in 1797. He concluded in these words :—

“In addition to the Brigadier-General's motion, that the Alcaldes be called upon to produce all criminal proceedings in their respective offices, it would be requisite to produce lists of all the persons who have been confined without any specified offence, and of those who have been executed, banished or otherwise punished, without any trial whatever. When the Records of these proceedings and the lists now stated have been fully discussed, and all the charges fairly answered ; when General Picton shall be acquitted of the serious imputation under which he labours ; when Colonel Fullarton and he shall be relieved from their present situation and return to England, it will then be requisite for the General to discuss in another manner, on what principles he felt himself entitled to express himself respecting Colonel Fullarton, in terms equally unbecoming the character of an officer and a gentleman.”

After this gasconade, which must have been listened to with amusement, not unmixed with contempt, by Picton and Hood neither of whom were men to be frightened by big words, the First Commissioner continued :—

“In order to preclude all possibility of misapprehension, Colonel Fullarton feels it incumbent on him to add that in his view General

Picton cannot remove the heavy imputation under which he labours, until he has undergone a public trial and obtained a verdict of acquittal, on the imprisonment of various British subjects, stated to be illegal and oppressive ; and, amongst many others on the following charges :—

He then produced a long list of names, purporting to be those of persons who had been illegally punished. It would be tedious to enumerate the different cases, which included hanging, burning, branding, mutilating, picketting, and other forms of corporal punishment. Two however of the charges against Picton deserve special notice.

One of these was, that he had “granted dispensation to marry, to relations in forbidden degrees of consanguinity, and had compelled the Parish Priest of Port-of-Spain to perform the marriage ceremony.” In other words, that he had usurped the functions of the Bishop of the Diocese.

Now it happens that there is still extant the official copy of a letter, written to Picton by that Prelate himself, who in no way depended upon him for protection or favour, who most probably looked upon him with some suspicion, as a heretic and an intruder, and who certainly would have resented any such interference on his part, as “granting dispensations of marriage,” and “compelling” a Parish Priest to perform the marriage service.

The Island of Trinidad, at that period, formed part of the Diocese of Guayana, which was created by Pope Pius VI. in May, 1790, and which included, besides Trinidad, the Island of Margarita and the Provinces of Guayana and Cumana. When the Island was captured by the British, the See was occupied by the Right Reverend Doctor Francisco de Ibarra, who was succeeded, in 1801, by the Right Reverend José Antonio Mohedano, by whom the following letter was addressed to the Governor of Trinidad :—

“Angostura,

“16th December, 1802.

“Sir,—Nothing could have afforded me greater satisfaction than the receipt of Your Excellency’s inestimable letter, an honour I have anxiously wished for since my arrival in this Province.

“I should certainly have anticipated Your Excellency’s favour by addressing you, had I dared to take that liberty ; but now that your

goodness has opened the communication with so much urbanity, I hope we shall continue it to the honour and glory of God, and benefit of the souls which in your government form a part of the beloved flock it has pleased the Almighty to commit to my Pastoral care. The advantageous reports I have had of Your Excellency have excited in me the ambition of your correspondence, for I learned with peculiar satisfaction the firmness with which Your Excellency has endeavoured to extirpate vice by the punishment of delinquents, and to establish regularity and good order in every branch of your administration, with such decorum, that Your Excellency appears to have discovered the secret of combining the two extremes, often found so difficult to conciliate, of an inflexible rectitude in the administration of justice, and of giving satisfaction to all parties. On the other hand I have been exactly informed of the protection you have been pleased to accord to the Catholic Clergy of the Island, and of the respect you have shewn and promoted in the celebration of Divine Service, particularly in the Public Worship of Holy Week. The Rev. Father Manuel Diaz, Parish Priest of Aricagua, has also given an account of the noble character and inestimable qualities of Your Excellency and of the particular attention you are pleased to shew the Clergy of our Church, all which has combined to excite in me the desire to become personally acquainted with Your Excellency. The confidence I place in you is such that I would immediately pass over and make my Pastoral visit of your part of the Diocese, were it not particularly inconvenient owing to the necessity for my presence to restore order in this Cathedral, and indeed in the whole Diocese, which had fallen into much confusion in consequence of the vacancy in the Episcopal Chair during three years; moreover my own health has been failing since May last, and has become weaker within the last two months.

“Notwithstanding, I still hope, Sir, to accomplish this Pastoral visit and its duties as soon as possible, provided Your Excellency be pleased to continue me the favour of your correspondence. I assure you that I shall never aspire to anything more in my interference with those of my flock under your Government, than to afford to them the most effectual means of obtaining their eternal salvation by the administration of the Sacraments, by preaching the Holy Gospel, and by other pious and Christian practices, for which it is my intention to give them proper Rules; always, however, subject to Your Excellency’s approval, from whom I shall never conceal the smallest order given for their spiritual concerns.

* * * * *

“ JOSE ANTONIO,
“ Bishop of Guayana.”

The good Bishop was evidently tinged with the Gallicanism of the day, which subordinated the spiritual to the temporal order of things, but that in no way prevents his letter from being a very important piece of evidence in Picton’s favour.

The second charge amongst the many brought forward by Colonel Fullarton, is one upon which it is necessary to dwell, because it was destined to gain for all concerned, a painful notoriety. In it General Picton was called to account :—

“For the application of torture to extort confession from Luisa Calderon, a girl under fourteen years of age, respecting a robbery supposed to have been committed by Carlos Gonzales against Pedro Ruiz, stated to have been frequently employed as an agent by General Picton.

“The torture is stated to have been applied two successive times, with such severity that the girl fell down in appearance dead, and there was no Physician or Surgeon to assist.”*

Having completed his list of charges, Colonel Fullarton resumed :

“Under these circumstances the character of Brigadier-General Picton, and the national character of England, require that such imputations, prevalent as they undoubtedly are, should not remain without an opportunity of refutation.

“As soon as General Picton shall have cleared himself from these and similar charges, he will have reason to thank God for the occasion now afforded him of retrieving his character from imputations, which if proved, would far surpass the cruel and unjust acts committed by Judge Jefferys and Colonel Kirk, and would stand unexampled in any period of the British Annals.

“This exculpation, however, cannot be effected, if the system so long complained of be continued, of banishing from the Island without any form of trial, any person under the displeasure of Brigadier-General Picton, or suspected of being capable of giving evidence against him. Under this impression Colonel Fullarton moves; that no person shall henceforth be banished from the Island without a regular specification of his offence, followed by a judicial trial and condemnation, until the pleasure of His Majesty’s Ministers be made known; and that all the criminal proceedings since the commencement of the late Government be printed, together with lists specifying every individual, of whatever country, colour, or condition, who has been imprisoned, banished, fettered, flogged, mutilated, tortured to extort confession, hanged, burned alive, or otherwise punished; also specifying the dates of their respective commitments, trials, sentences, periods of confinement and punishments, and of all those who have died.”

Considering Picton’s hot Welsh temper, it is a matter of no small wonder that the minutes of the Council do not record some act

* This charge of torture was that for which Picton was subsequently indicted in the Court of King’s Bench, and which will be dealt with at full length in a subsequent chapter.

of violence on his part, and it must have been no ordinary effort of self-control which enabled him to listen quietly to such a mixture of cant, malice, and meanness as was displayed in the speech and conduct of the First Commissioner.

It is probable that the presence of Hood at once restrained and supported him, and prevented an outbreak which, even although provoked by Fullarton, would still have been highly discreditable to Picton, whose conduct on this occasion was both prudent and dignified. When the First Commissioner resumed his seat, Picton rose, and moved that each member of the Council should express in writing his opinion of the motion which had just been made, and also of the paper read by Colonel Fullarton.

This was agreed to, and the following were the opinions expressed :

“I am of opinion that the paper which was read to the Council by Colonel Fullarton was very improper, and contained crimination of General Picton (without proofs) which certainly will create discussions among the Commissioners, very much to the prejudice of the peace and good Government of the Colony ; and for these reasons I am of opinion that it ought not to be admitted or recorded on the minutes of Council.

“ JOHN NIELL.

“ 24th March, 1803.”

“My opinion is, that the motion relative to General Picton presented by Colonel Fullarton to be put upon the minutes of Council, is extremely improper, impolitic, and capable of producing the greatest disorder in the Colony. I will say more, that until this day, I never heard anything alleged of a like nature by any individual, not even by any of the most decided enemies of General Picton.

“ ST. HIL. BEGORRAT.”

“I am of opinion, being called upon for one in writing, that the paper introduced this day to H.M.'s Council by His Excellency the First Commissioner is an improper one, inasmuch as its tendency is to criminate Brigadier-General Picton, with which the Council can have no concern whatever ; and even admitting the Council had legal powers to take cognizance of the Brigadier's conduct while Governor and Commandant of this Colony, yet the paper in question only contains accusations and no proofs.

"I am of opinion, however, that it be recorded upon the minutes to give the Brigadier-General an opportunity of answering.

"ARCH. GLOSTER.

"Attorney-General."

"My opinion is that the paper read in Council by Colonel Fullarton, and moved to be put on the minutes by His Excellency, seriously and improperly inculpates Brigadier-General Picton's Government. and is of a very dangerous tendency to the tranquillity of the Island at present, and to the harmony which it is the duty of H.M.'s Commissioners to promote among the inhabitants, and upon the whole, totally foreign to the purposes intended to be gained by the present Commission of Government.

"JOHN BLACK."

"It appears to me that the paper contains accusations against Brigadier-General Picton of the commission of crimes of the deepest dye, and, therefore, it is to be transmitted to England with the other minutes of Council to be laid before H.M.'s Ministers, as nothing but a public trial and acquittal can efface the impression it must stamp on their unbiassed minds.

"GEO. ADDERLY."

It must not be forgotten that Mr. Adderly was one of Fullarton's Staff and had just been named by him to the office of Public Secretary ; it is not surprising therefore that he should express the same sentiments as his patron and almost in his very words.





CHAPTER XII.

THE plot, for such it may fairly be called, was now thickening rapidly, and the *dénouement* was not far off, although the next act in the drama was certainly not expected by Picton, nor by his friends.

The Council met again on the 28th, but *on this occasion the First Commissioner did not attend*. The cause of his absence was soon ascertained.

Mr. Bégorrat, from his place at the Council Table, informed the Board that after listening to the list of charges read by Colonel Fullarton on the 24th, he had thought it advisable to refer to the proceedings in the several criminal causes tried before himself as Alcalde in the years 1801-2. He had therefore, after leaving the Council, applied for these documents to De Castro the Escribano, and to his amazement found that on *that same morning*, just before going to the Board, Colonel Fullarton had taken away the whole of the proceedings in the very cases which formed the groundwork of his motion, without giving any receipt for them to De Castro or even any written order for the Escribano's justification.

The indignation of the Council may well be imagined. The Attorney-General at once moved for the arrest and prosecution of De Castro for a gross breach of public duty in allowing these records to leave his custody, a motion adopted by the whole Board with the exception of Adderly, who, faithful to his patron, protested against it.

Mr. Gloster next moved—

“That the conduct of the First Commissioner endangered the safety of the Colony, and that an address should be immediately prepared to the King, informing him of what had taken place; also, that a vote of thanks should be passed to General Picton and Commodore Hood for their conduct during this crisis.”

This motion was also agreed to, Adderly again dissentient and protesting.

The warrant against De Castro was entrusted to Mr. Black, who was Alcalde for that year, and he at once put it into execution. De Castro being a man of good family and occupying an official position,* Black was unwilling to expose him to humiliation by lodging him in the common gaol. He therefore took him to his own house, where he placed him in what may be called a friendly arrest, not allowing him to depart from it, but treating him in every other respect as a guest. In the evening of the same day on which De Castro had been arrested, he was sitting conversing with Black after dinner, when a carriage drove rapidly to the door, and immediately afterwards Colonel Fullarton appeared, "armed and carrying his wand of office,"† and accompanied by the Provost Marshal and several officers of his personal staff.

Black was naturally somewhat startled at this armed invasion of his house, but being a sturdy Irishman he soon recovered himself and requested to know the meaning of this intrusion upon his domestic privacy. It then appeared that the First Commissioner, furious at the decided steps taken by the Council, had gone to the gaol (where he expected to meet De Castro) with the intention of at once liberating him, and, not finding him there, had now come to Black's house with the same object.

Having thus explained his untimely visit, Colonel Fullarton endeavoured by every species of intimidation and argument to overawe Black and to induce him to release his prisoner, alleging his supreme authority as First Commissioner, but the Alcalde, who was neither to be frightened nor cajoled, maintained that as he had an order from the Commissioners in Council for the arrest, he must have a similar one for the release. Fullarton next tried what he no doubt thought a very clever expedient; he then and there nominated De Castro to the office of Commissary of Population, which chanced to be vacant, and then told him to accompany him from the house. This, however,

* He had been appointed Escribano by the King of Spain.

† As Corregidor *ex officio* of the Cabildo. *Vide* the affidavit of Black laid before the Council.

Black would not permit, remarking with perfect reason that as De Castro was in custody for an offence alleged to have been committed whilst holding the office of Escribano, he could not be released by a nomination to another office, if even a superior one, until that charge had been disposed of, either by his conviction or acquittal. Finding that Black was not to be overawed, Fullarton, after making himself supremely ridiculous, withdrew with his satellites.

From the affidavit of Black it appears that Fullarton so far forgot himself upon this occasion as to threaten to hang all concerned in the arrest of the Escribano, and that it was only when Black asserted his privileges as a Regidor of the Illustrious Cabildo (one of which was exemption from domiciliary visits) that he at length retired.

In the strange course he was pursuing Colonel Fullarton was not without supporters. By the recently formed British party he was warmly upheld, and it cannot be supposed that *all* the other sections of the community were unanimously in favour of Picton. No man could govern as he had done, and under such circumstances, without offending many susceptibilities by interfering, for the public good, with many private interests, and unfortunately human nature is such that men are apt to judge of one in his position by his acts towards themselves rather than by what he has done for the community at large.

The leading men in the Colony, with scarcely an exception, adhered to him, and good reason had they for doing so, for in times fraught with perils to them and to himself, when a single false step must have brought ruin and destruction upon all, they had seen him act with a cool determination and a consummate tact which ensured the success he deservedly obtained. That *they* did not hesitate to condemn the policy and conduct of Colonel Fullarton is clear from the following address presented to the Commissioners in the midst of the discussions and disputes occasioned by the case of Mme. Duval :—

“ To their Excellencies the Commissioners for Administering the Government.

“ The Cabildo of this Island, whose duty it is by its very constitution to watch over the public welfare, and whose prerogative it is to remonstrate whenever that duty requires it, cannot, consistently with

that duty, be silent, considering the actual state of the Police of the Colony, lately so admirably ordered and now so completely relaxed.

"The conquest of the Island by His Majesty's arms made no change in its Laws, in virtue of the Capitulation granted by the General and Admiral of the Army and Navy to which it surrendered, and His Majesty having been pleased to approve and confirm that arrangement, the Legal and Municipal authorities remained in the exercise of their functions.

"It is acknowledged, Sirs, that the Peace procured to the British Colonies the happy effects that are its moral consequences, but in this Island, inhabited by various nations and connexions (*sic*) it produced a conflict of opinions which it was found necessary to analyze; and the Cabildo carefully doing so, with the deliberation a subject so important required, transmitted its opinion to Court, and in consequence thereof His Majesty was pleased to appoint the present Commission of Government, entrusted to report, after proper investigation, whatever it might consider best adapted to its increase and prosperity.*

"In the foreign Colonies of America, and particularly in those of Spain, it is a salutary custom, always observed, that on a change of Government one of the first public acts of the arriving Governor is to publish a "Ban of Good Government," in which he promulgates whatever changes in administration His Majesty may have been pleased to commit to his charge, and also any alterations that may appear to himself proper and necessary to make in the Municipal Regulations, Administration of Justice, and other matters relative to the Public Service; hence the different authorities derive confidence in the exercise of their office, and a laudable emulation pervades the whole to discharge those duties accordingly.

"On a subject so necessary and important to be explained for the quiet of the public mind, no step has yet been taken by the Commissioners, and this silence, added to some improper interference by His Excellency the First Commissioner in the established order of Police, has produced a degree of arrogance amongst the people of colour, and of insubordination amongst the slaves, that since the commencement of His Britannic Majesty's Government they never had to think or dream of, without being deservedly punished.

"Sirs, the Board will not conceal from Your Excellencies that the enormous disproportion that subsists in this Colony between the whites of all nations inclusively, and the people of colour (as is evinced by the general census) is, and naturally must be, a subject of serious alarm to every man who possesses real property in it.

"It is a circumstance that calls for the immediate attention of Government, and imperiously requires that some effectual means should

* From this it would appear that it was in consequence of the representations of the Cabildo that the Government was put into Commission. If so, those representations could not have been unfavourable to Picton, being made by a Board over which he presided, and composed of his intimate friends and warm admirers.

be forthwith adopted to reduce the number, prevent its increase and restrain the audacity of those who may be permitted to remain, by a severe (and where necessary, arbitrary) Police, vigilantly and rigorously enforced. This Board is unanimously of opinion that the existence of the Colony depends upon these people being kept in proper subjection, and that to treat them in all cases with the clemency attached to the British Constitution (so excellent in other respects) would only encourage their temerity, (witness the examples of Grenada and St. Vincent) and expose us to experience the catastrophes of which the neighbouring Islands have been very lately the theatre, and which still subsist in Hispaniola, where the invincible armies of Bonaparte have been defeated and destroyed by this caste of mankind, whom the Powers of Europe that have Colonies in America must unite to subjugate, or submit to see their own follow so disastrous an example.

"We are now in peace, but the old settlers can never forget the critical and disgraceful situation to which an indolent, vacillating, philanthropic Governor had reduced the Colony at the period of its conquest by His Britannic Majesty's arms, nor how much they owe to the activity, vigilance, and firmness of the British Military Government, in restoring it to order, and by which under God, it has since been preserved whole and entire through a variety of occurrences.

"To relax the Police which has hitherto protected us, when we have about 5,000 of these miscreants amongst us, (and that number daily increasing), the greater part of the scum of the Revolution to whom this country has served as a *Refugium Peccatorum*, and whom we may consider as so many enemies against whose treachery it is prudent to guard, would be to commit an act of moral madness of which no wise Government would be guilty, as being diametrically opposed to its safety.

"Penetrated with these sentiments the Cabildo proposes, with deference and respect, that a Proclamation be immediately issued in the three languages, in which, with mention of the reasons that have prevented it hitherto, it should be emphatically specified, that the Laws, Regulations, and Civil authorities which were in force and activity previous to the present Commission, are in full virtue and shall continue to be exercised in like manner as heretofore, until His Majesty shall determine otherwise by adopting such a Code of Laws in place of the present, as in His Royal Wisdom, with the advice of his confidential Ministers, he may consider more appropriate to its Government, authorizing and requiring the Judges and the Civil Magistrates of every description, in which is comprehended the Commandants of Quarters, to act with vigour and confidence in their respective offices, and warning the inhabitants in like manner to be obedient to the Laws and Ordinances as heretofore, on pain of incurring the displeasure of Government and the infliction of penal or corporal punishment, according to the degree of crime or misdemeanour.

"And as it has come to the knowledge of the Board, that a great number of people of colour of both sexes, who had been exiled from the French Colonies for their crimes and had taken refuge on the neighbouring

Continent, from whence they have been extirpated by the Spanish Government, have introduced themselves, many clandestinely, the others openly and publicly, by protection and favour, into the Island, whence in the first instance some of them had been transported, they further propose that orders should be issued to the Commandants of Quarters and Alcaldes de Barrio, to take immediately and lay before Government, an exact account of all people of colour residing, or accidentally being, in their respective Quarters and Barrios, and requiring all His Majesty's loyal subjects to report, and also to be aiding in bringing to light, all persons of this description who have lately crept into this Island.

"The Cabildo are also of opinion that as Government cannot be sufficiently informed of the characters of these people, a permanent Board, composed of three of the oldest British settlers, should be appointed to examine and report upon the character of all coloured people, or other suspected persons, who may solicit admission into the Colony, in order to enable Government to determine how far such admission can be allowed.

"The Cabildo relies on the purity of its intentions for this representation meeting with a favourable reception, which will encourage it to persevere in its vigilance and exertions in promoting the good of His Majesty's Service and of the public.

"JOHN BLACK.

"ST. HILAIRE BEGORRAT.

"NICHOLAS DE ST. PE.

"ANTONIO PORTEL.

"BARTOLOMEO PORTEL.

"WM. HARRISON.

"FRANCISCO DE CASTRO.

"JEAN MARIE DANCLA.

"ALEX. WILLIAMS.

"JOSE F. FARFAN.

"WM. HALLIDAY.

"ANTONIO ARDILA.

"Port-of-Spain, 21st March, 1803."

Through all the verbosity of this document one thing can be clearly perceived, viz. : the dissatisfaction of the inhabitants with the existing state of things and their very evident respect for the "Military Government" of Picton ; and it is worthy of note that this remonstrance (for such it really was) was signed by individuals differing from each other in race, religion, and in most of their opinions.

It may well be supposed that in the state of excitement in which men's minds then were, the outrage committed upon Black by Fularton was not calculated to have a soothing effect. It was of course known throughout the town as soon as it occurred, but was not officially brought before the Council until the 31st, when Black made

an affidavit of the facts before the two Commissioners, Picton and Hood. During the discussion which ensued Adderly presented a letter to the Board which had been written to him by Colonel Fullarton on the previous evening from on board the schooner *Start*, and in which the First Commissioner desired him to inform the Board that the Criminal Records were deposited in a safe place and would be delivered by his agents, Messrs. Hayes and Proby, in return for an official receipt.

The Commissioners present expressed their surprise and indignation at the conduct of their colleague in removing Public Records from their proper place of custody, and delivering them to unauthorized persons who could afford no guarantee that they would not be damaged or destroyed, and the members of the Council fully coinciding, a series of Resolutions were passed, formally, condemning the conduct of the First Commissioner.

Adderly on this tendered his resignation of the office of Public Secretary, which was at once accepted, Woodyear being immediately reinstated. The first act of the latter was to read a statement to the Board exculpating himself in the matter of Mme. Duval, prefaced by certain remarks which, if they are to be believed, are of importance in connection with the evidence of Dr. Lynch, to which allusion has already been made. These remarks were as follows:—

“In consequence of a variety of occurrences since the Commission for the governing of this Colony has been opened, I feel it a duty I owe to General Picton and myself to relate to the best of my judgment every particular circumstance which I conceive to have led to, and accompanied them.

“Before I say a word of what has happened since the arrival of Colonel Fullarton, I think it right to remark that I observed, with much concern, the existence in his mind of the most rooted prejudice against the character of General Picton, during our passage from England in the *Ulysses*. I did not collect this fact from any confidential communication, but from whispers and insinuations, and I discovered that there was a great misconception amongst my fellow travellers of the actual and relative situation of the Colonel with his colleagues. He was considered to be, *de facto*, the Governor of Trinidad, and the two gentlemen joined with him were regarded as mere ciphers.

“From the nature of my situation, being independent of any one

Commissioner and feeling myself incapable of lending my (*sub silentio*) sanction to an error, I openly avowed the truth, and described the First Commissioner in the real character in which I construed it to be the intention of His Majesty to consider him.

“ This, together with the indisposition I showed to enter into the calumnious cabal against General Picton’s reputation, obtained for me the determined enmity of the First Commissioner. Thus biassed, the sequel of his conduct is not to me a matter of much astonishment.”

* * * * *

The rest of Woodyear’s statement related to the matter of Mme. Duval, and was a denial of his having wilfully caused any mischief. At a subsequent date, when Fullarton was alone in the Government, Woodyear was severely cross-examined by him with regard to this statement, but although he admitted that some of the terms he had used were too strong, he adhered steadily to what he had asserted as to the ill-feeling towards Picton which he had noticed in Fullarton even before they had met.

After the Council had listened to Woodyear’s statement, intelligence reached the Board, that having despatched his letter to Adderly, Fullarton had sailed out of the Gulf without holding any communication with his colleagues or in any way informing them of his intentions, thus putting the finishing stroke to all he had done to disturb the peace of the community since his arrival, only three months before. If by doing this he thought to impede the public business of the Colony he was disappointed, for as soon as his departure was positively known, a Proclamation was issued by the two other Commissioners, informing the public that Colonel Fullarton, having left the Island without any communication with them, no longer formed part of the Commission.

That Hood should have sympathized with the frank and straightforward Picton rather than with the intriguing and double-dealing Fullarton was but natural, although he very properly endeavoured to further the objects for which the Commission had (ostensibly at least) been appointed, and tried, but in vain, to promote harmonious action between his two colleagues.

The following letter from him to Lord Camden, places beyond any doubt the real sentiments he entertained :—

“ H.M.S. *Centaur*,

“ Carlisle Bay, Barbados,

“ 1st September, 1804.

“ My Lord,—I should do great injustice to myself and to my late colleague, Brigadier-General Picton, if I did not (after reading a publication of Mr. Fullarton’s respecting the Commission at Trinidad last year) inform Your Lordship, at an early period, of the fabrication of various passages, said to have been spoken by me. The very harsh expressions and animosity with which Mr. Fullarton brings forward this epistle, false almost in every page, are such that I trust Your Lordship and others of His Majesty’s Ministers will view it as it deserves.

“ Mr. Fullarton states my consulting the Brigadier before Council was assembled of the matters we were to enter upon ; I declare upon mine honour no such communication ever took place ; neither did ever the Brigadier make use of one expression out of the Commission that would tend to lead me on his side ; but I was guided by honourable sentiments and not by such duplicity and intriguing as was exhibited in every part of Mr. Fullarton’s transactions ; but *he* (Mr. Fullarton) used every art ; even to get his *lady* to aid in leading me into a track that must have soon destroyed the tranquillity of the Colony. This false philanthropy must now be sufficiently brought to light, so as to need no comment.

“ He interprets words spoken, not in Council, but in my house, as not agreeing with my colleague : I give the most perfect contradiction thereto ; and I cannot allow this to pass over without remarking on the means adopted by persons whom he calls gentlemen, who would listen to any conversation where their presence was not required, for it was not probable my servants would listen and carry any conversation to the house of the First Commissioner. I conceive such allegations can only tend to prove how ready Mr. Fullarton has been to catch at subjects which I should shudder to repeat, had I made use of such ignoble means to gain the information stated.

“ I will not trespass longer on Your Lordship’s time ; and I shall conclude this by saying, that the upright and just measures adopted by the late Governor saved the Island ; and I rest assured his character cannot be spoken of too highly, nor traduced by the artful measures of an old, intriguing politician.

“ I have the honour, &c., &c.,

“ SAMUEL HOOD.

“ Earl Camden, K.B., &c.”

This letter, the style of which proves its authenticity, was written more than a year after the termination of the Commission, and can scarcely therefore be supposed to have been penned in an angry moment, or to serve any party purpose.

It is now necessary to return to the two Commissioners, relieved at length of the presence of their meddlesome colleague.

Smarting under the imputations cast upon him by Fullarton, and seeing that the First Commissioner had been almost entirely supported by men who had arrived in the Colony after those days of disorder and danger which were at once the reason and the excuse for the acts of severity with which he was now charged, Picton sought to obtain countervailing testimony from the oldest and most respectable inhabitants in the Island.

The following document was one of several laid before the Council, similar evidence being given by the Parish Priests, who were specially called upon for their opinions :—

“ We, the undersigned inhabitants of the Island of Trinidad, in virtue of the desire of the Commission of Government, do declare, upon oath, that we have not the least knowledge that His Excellency General Thomas Picton, Governor of this Island, has vexed or ill-treated in their persons or properties, any of the Spanish inhabitants of it or of the Main; but, on the contrary, we know that he has afforded his protection to all honest men and to the trade between the Spanish Continent and this Colony, to the end that it should always receive the necessary supplies, even in the most critical periods of war; that the said General has in like manner protected the exercise of the Catholic religion which we profess, treating all ecclesiastics and priests with attention; that we have never heard that any person whatever has left the Island on account of not having been sufficiently protected by the said General. In confirmation of all which we sign the present, in the city of San José de Oruña, on the 29th April, 1803.

| | |
|-----------------------|-------------------------|
| “ JOSE MANUEL ARMARO. | “ FELIX HOSPEDALES. |
| “ FRANC. DE FEBLES. | “ ANT. F. DE LEON. |
| “ JOSE A. PRIETO. | “ ANGEL A. FARFAN. |
| “ JOSE A. DE POSADO. | “ GASPAR DE LA GUARDIA. |
| “ ANTO. ESPADA. | “ ANTO. CIERTO. |
| “ JUAN JACINTO. | “ MDE. CASANOVA. |
| “ JUAN PEREZ. | “ PEDRO DUFUR. |

“ Signed before me,

“ ANDRES GIUSEPPI.”

A most interesting record of that critical period is the address of Picton to the Council, shortly after Fullarton's departure, and which, in spite of its length, is inserted here, as it so clearly shews the difficulties with which he had to contend and the manner in which he had overcome them :—

“ Gentlemen,—When this Island capitulated to His Majesty's arms, the government of it was no object of intrigue. There was no officer who applied for it, no one shewed a disposition to accept it, and I was no volunteer.

“ The great and celebrated officer who put so glorious a period to a life of untiring devotion to his country, and of true and unmixed patriotism, on the plains of Alexandria, thought he saw in me the zeal, activity and talents necessary for a command regarded as a forlorn hope.* I was not consulted, it was imposed upon me as a matter of duty, and as a soldier I obeyed, without canvassing the orders of my superior. I paid the same implicit obedience to his orders that I have ever exacted to my own.†

“ I was left with a weak, ill-composed garrison, scarcely amounting to 700 men capable of taking the field, and the majority even of these were Germans and blacks; the Island contained above 2000 men of colour, all irreconcilable enemies of His Majesty's Government and refugees from the insurged (*sic*) Islands where they had borne arms. To these may be added about 1000 foreigners of all nations, nearly all in the same predicament. I had no fortified Post, no point of strength to retire to. I was left in a wide open town, surrounded by enemies, to my own energy and resources. The Germans of Hompesch's Regiment, the principal part of my effective forces, deserted to the enemy; and atrocities of a nature to unite every one against us, were at the same time committed upon the inhabitants by a garrison more formidable to its friends than to its enemies.

“ The means necessary to correct and to repress these disorders were applied with promptness and vigour, and the timely sacrifice of a few individuals taken *flagrante delicto*, preserved the lives and properties of thousands. Those who know anything of military history will not be at a loss for a thousand instances where prompt and immediate examples were applied to remedy what the slow operation of the law could never have effected. I was left as in a camp surrounded by enemies, and the severities I applied were fully authorized by my situation and circumstances.

* “Colonel Picton, if I knew any officer who, in my opinion, would discharge the duties annexed to the situation better than you, to him would I give it; there are no thanks due to me,” was the reply made by Abercromby when Picton thanked him for his appointment.

† In these words are to be found the key-note to the character and acts of Picton. The obedience he rendered without remark to his superiors he rigidly exacted from his subordinates

"My garrison was reduced in a short time by death and desertion to 498 men capable of bearing arms, and of them only 260 were British soldiers. Every means, as will be seen by the Governor-General of Caracas's Proclamation, was employed to seduce and corrupt them; small vessels were hired by the Spanish Government to carry them off, and to the number of 20 they had deserted in one night. A plan was formed by the Governor of Cumana to attack us with our own force, and the brigands from all the different Islands were collected on the opposite coast of the Gulf, to correspond with their numerous friends in the Island, and to co-operate with the deserters who were formed into a regular corps. We drew near to a critical moment; the delay of a few days might have been fatal to us. I had learned that a Mulatto General (Bellegarde) had arrived at Guiria to put himself at their head. Weak and wretched as the garrison was, I determined immediately to disperse them, and for that purpose embarked a detachment of 100 men, under an intelligent and active officer,* who finding them easily dispersed, succeeded in clearing the whole country. I was convinced that our safety depended upon our being able to keep the enemy in continual alarm; I therefore attacked them successively at Guiria, Pointe-à-Pierre, Carupano, and Rio Caribe, on the Rivers Guarapiche and Orinoco, and kept the neighbouring Powers in such alarm that the Government had no time to think of any offensive operations against us.

"After six years continuous struggle with circumstances highly unfavourable, I had the satisfaction to deliver up the Colony, on the 4th of January, 1803, to the Commission appointed by His Majesty for its future Government, enjoying a high degree of prosperity, tranquillity and splendour, increase in population, riches, and agriculture, beyond what could reasonably be expected from the circumstances of the times. The Despatches of Sir Ralph Abercromby, and those of all the general officers who had commanded in chief in this country during the war, will enable His Majesty's Ministers to determine whether I have deserved well of my country or not.

"The First Commissioner, Colonel Fullarton, was received by me on the 4th January with that high respect which I always pay to His Majesty's Commission, and having no object in view but the promoting His Majesty's service, and giving the First Commissioner credit for the same motives, I trusted there could be little danger of our not co-operating zealously to forward the views of Government.

"I have no guile or deceit in my own heart and I am not prone to suspect the existence of such qualities in that of another. The First Commissioner began by overwhelming me with flattery, admiration, and repeated assurances of a fixed determination to preserve the same measures, which he was pleased to say, had so completely succeeded under me. I was disposed to give him full credit for sincerity and was prepared to co-operate with every degree of candour and cordiality. I was not ambitious of governing, and continued merely in compliance with His

* Colonel Mosheim. *Vide Ante*, ch. ix., p. 129.

Majesty's commands. All I wished was to see affairs conducted with prudence and wisdom, so as to ensure the peace and tranquillity of the country, and I had begun to indulge in an agreeable dream ; but the delusion was of short duration ! I was without suspicion, and little aware of the false character I had to deal with. He came with hostile intentions, which he could not long conceal with all his cunning and duplicity. He began by assembling around him all that was despicable and disreputable in the Colony. Every lost character of bankrupt fortune and reputation, whose crimes and dishonesty had called down upon him the animadversions of public justice during my Government, was solicited by the First Commissioner as his adviser, to the exclusion of every respectable, honourable character who had laboured with me during six years of critical danger, to preserve the Colony and support His Majesty's Government. Notorious characters, French people of colour, who had left the Island from a hostile disposition towards His Majesty's Government were invited to return without my knowledge. Every low measure for calumniating my character and conduct was employed and encouraged by the First Commissioner. The Magistrates and Commandants of Quarters were vexatiously and illegally interfered with. The Police was entirely overturned, and the Colony brought to the very brink of ruin. All distinctions had been confounded, and the people of colour, who from interest and experience were attached to His Majesty's Government, became suddenly exalted by this indecent conduct.

"You cannot be ignorant, Gentlemen, that a dark Mulatto was placed by the First Commissioner to sit alongside of a Brigadier-General in His Majesty's Service, the Baron de Montalembert, and the knowledge of so extraordinary a phenomenon, calculated to exalt the fervid imagination of this numerous and restless class, propagated itself with electric rapidity throughout the Island. You know, Gentlemen, that I did my duty, I expostulated, remonstrated, opposed, to no purpose. It pleased the Lord at length to terminate the misery and abuse of the Colony by the arrival of the Third Commissioner, Commodore Hood, whose honourable, wise and decided conduct, entitles him to our gratitude and admiration. Having no hopes left, no prospect of being able to carry on his projects, the First Commissioner became furious from disappointed avarice and ambition, and vomited forth that scandalous libel which has drawn upon him the indignation of every respectable, honest man in this Colony. He has made an ostentatious enumeration of what he calls acts of cruelty, tyranny, and oppression, which were actually no more than the usual and customary animadversions of the Law upon irregular and criminal actions, moderately applied by the legitimate Magistrate for the support of order, regularity, and Government. He has descended into his own heart for motives which have no other local existence except in that rank soil, which abounds in every poisonous production. He has distorted (as will appear by the papers laid before the Board) circumstances in themselves innocent or immaterial, to serve his wicked purposes ; and has not blushed to attribute to me, acts which he has at length acknowledged before you to have been guilty of himself, viz. : the suppression of a Public proclamation which he assured the Commodore had been torn down by my

friends, though his own Clerk, Mr. Burke, had been detected in the act. The lowest and most miserable wretches, people without property or reputation, have been employed in every direction to solicit charges against me and my Government, with assurances that any one who had a complaint to make would be well received at the First Commissioner's house.

"The respectable Planters have been tampered with, but without success; they had experienced the protection and advantage of a disinterested, upright and energetic Government, which had saved their persons and property from Jacobinical outrage and violation, and the lessons of the time had put them on their guard against the promises of Philanthropy. In the madness of disappointment he has left nothing unattempted against the Magistrates, the Council and the Commission. Emissaries have been employed to insinuate that the $3\frac{1}{2}$ per cent. tax was in his opinion illegal and oppressive, and that the payment was enforced by the two Commissioners contrary to his opinion; that he was for the immediate introduction of the British Laws, but that we would not hear of such a measure. You, however, Gentlemen, know that no one proposal either for the benefit of the Merchants or of the Planters, or in any degree tending to forward the principles, or any object of the Commission has ever been made by the Commissioner, who entirely devoted himself to a miserable party, consisting of persons universally despised, to the utter dereliction of his duty.

"You have been witnesses to the spirit which has actuated the First Commissioner to become a Public Accuser; indeed the miserable expedients to which he has had recourse in his endeavours to calumniate the Public Justice of the country can leave no doubt in your minds. I am accused of tyranny and oppression during the six stormy and dangerous years that I presided at the head of this Colony. Is there a single instance of my seizing the Public Records, and depriving the accused of defending themselves? Is there a single instance of my entering the house of a Chief Magistrate, armed, for the purpose of rescuing a public delinquent who had been committed by the Government in Council? Can any Magistrate complain of my having arbitrarily released a prisoner committed by his authority, or having in any way interfered with the due execution of his duty? Who are the respectable persons that the First Commissioner brings forward to accuse me; and detaches to canvass the town and country to solicit charges against me? The whole of their names are to be found signed to two letters of the 10th May, 1800, addressed to His Grace the Duke of Portland and the Right Hon. Henry Dundas, two of His Majesty's Secretaries of State, at a period *posterior* to all of the alleged enormities. I have subjoined these letters, which these gentlemen will explain in the manner most suited to their honourable purpose.*

"I have done my duty to my King and country, to the extent of my abilities, and if again placed in similar circumstances I should pursue the same line of conduct. Great disorders require great remedies; I trust

* These letters unfortunately were not copied into the Minutes of the Council.

those I have found it expedient to make use of, have always been commensurate to the occasion. You, Gentlemen, have had your eyes upon me during the whole of this trying period, you have been in a situation to form a just estimation of my services and my conduct, and I have every reliance upon your opinion."

The full effect of this address is somewhat marred by its length and by the repetitions which occur in it, but it must be remembered that Picton was a soldier, and as such, more accustomed to meet his foes in the Arena than in the Forum. All he aimed at in thus relating what had occurred during his government was to show the difficulties and dangers with which he had been surrounded and the imperative necessity which had existed for prompt and severe measures. No one who has studied Picton's career will accuse him of vanity or self-seeking, and if on this occasion he spoke so much of his own acts it was because *he* alone was the accused, *he* alone had done what had been done, whether for good or for evil, and to *him* alone was to be accorded the praise or the blame.





CHAPTER XIII.

THE future hero of so many glorious battles was not a man to dread encountering any foe in fair and open fight, but he was no match for Fullarton in the secret and underhand warfare which the latter had commenced from almost the first moment after arriving in the Island. His strong sense of duty, which to use his own expression was "almost Quixotic," prevented him from following his first most natural impulse to resign his post as soon as he had been informed of the appointment of the Commission, and caused him to submit without complaint to the grievous slight put upon him by his Sovereign. But his was not a nature to brook tamely the series of annoyances to which he was subjected by the First Commissioner, and soon after the arrival of the latter he tendered his resignation to His Majesty.

It was accepted, and the fact was announced by Picton himself to the Council on the 3rd of the following June. It may have been merely a coincidence, but it is nevertheless singular that this communication was made *exactly six months* after Fullarton's arrival, thus affording a remarkable corroboration of one part of the statement of Dr. Lynch, with regard to his conversation with Mr. Sullivan. So far as the rest of his statement is concerned, it can scarcely be denied that the First Commissioner, whether acting under instructions or from motives of his own, had from the very first, commenced and carried on a most searching investigation into the conduct of his predecessor when sole Governor of the Island.

At this time Commodore Hood, the Third Commissioner, had already left, his services being required on the renewal of hostilities between England and France, and the same vessel by which Picton

learned that his resignation had been accepted, brought the news that Fullarton was at Barbados, and about to return to Trinidad to resume his post as First, and for the time, sole Commissioner.

The receipt of this intelligence caused great alarm in the Council. It was at first proposed to oppose his landing by force, but more moderate views prevailed, Nihell, the Chief Judge, pointing out the impossibility of refusing to recognize the King's Commission.*

When, however, a few days later, Picton informed the Board that the obnoxious First Commissioner had actually arrived in the harbour, a Resolution was passed expressing the opinion of the Council : "That the landing of Colonel Fullarton would endanger the peace and security of the Colony."

From this Resolution Nihell was the only dissident. A copy of the minutes was forwarded to Commodore Hood, then in Barbados, and the following letter written by him in reply places *his* opinion beyond all doubt :—

" *Centaur*,

" Barbados, 19th June, 1803.

" Sir,—I beg you will assure His Majesty's Council in the Island of Trinidad that I feel highly gratified to perceive such an honourable and upright decision as their Resolution of the 6th June, from which Mr. Nihell dissents, in my opinion, in the most frivolous manner, the Resolution so passed, meeting with my most perfect concurrence.

" I have the honour to be,

" Sir,

" Your most obedient, humble Servant,

" SAM. HOOD.

" The Deputy Clerk of Council,
" Trinidad."

* It is not surprising that Nihell should have acted as he did. His position as Chief Judge carried with it certain obligations, not the least of which was that of maintaining as far as possible a strict position of neutrality and impartiality. Besides, what little knowledge of law he possessed he had gathered from the Spanish Code, and if there was any one point more than another upon which that law was formal and precise it was the absolute obedience and respect to be shewn to a Royal Mandate. This principle was carried so far, that when the document was produced all present uncovered, and the Mandatory, before breaking the seal, kissed it as if it were the Sovereign's own hand. Nihell rightly considered Fullarton's Commission to be identical with a Mandate from the King.

Picton, on receipt of the intelligence that his resignation had been accepted, had immediately communicated the fact to General Grinfield, the Commander-in-Chief, and, in reply, received the following letter :—

“Barbados, June 12th, 1803.

“Sir,—I have the honour to acknowledge the receipt of your letter and the minutes of the Council of Trinidad, both dated the 3rd instant.

“I have long seen with the most serious concern the unfortunate disagreements amongst the gentlemen composing the Commission Government of Trinidad, but I was in hopes that matters would have been adjusted without a reference to me; but as you and the Council holding the Government during the absence of the Commissioners have addressed yourselves to me, and desire my interference,* I think it my duty to do that which I believe will fulfil the intention of His Majesty. I have, therefore, directed Brigadier-General Maitland to relieve you in the Military Command of Trinidad, who will have from me directions for his immediate conduct.

“Give me leave at the same time to say that though I think it necessary to place Brigadier-General Maitland instead of yourself in the Military Command of Trinidad, it is not that I have the smallest occasion to be dissatisfied with any part of your Military conduct, but that at this moment I consider an officer who has not had any participation in the existing differences most suitable to the occasion.

“As the Orders of yesterday, a copy of which is herewith enclosed, express, it is my desire to give you as much time as you may judge necessary for your arrangements previous to your leaving Trinidad; you will, therefore, not hurry yourself either in coming here or going to Europe, either of which is at your option.

“I have the honour to be,

“Sir,

“Your most obedient Servant,

“W. GRINFIELD,

“Lieut.-General.”

The Orders referred to in this letter were the following :—

“GENERAL ORDERS.

“Head Quarters, Barbados,

“June 11th, 1803.

“Brigadier-General Maitland will relieve Brigadier-General Picton in the command of the troops in the Island of Trinidad.

* This evidently refers to some communication made to the Commander-in-Chief by the Council. No copy exists amongst the local Records.

“ Brigadier-General Maitland is to proceed to Trinidad with as little delay as possible : and Brigadier-General Picton, on his being relieved, has the leave of the Commander of the Forces to remain any time he thinks necessary at Trinidad to settle his affairs, and he may then proceed to Barbados or to Europe. as he pleases ; specifying his intention as soon as possible to the Commander of the Forces.

“ GEO. B. MORDEN,

“ Lieut.-Colonel, D.A.G.

“ ALEX. PITMAN,

“ Brigade-Major.”

The General Order and the Despatch prove beyond all question the high estimation in which Picton was held by his military superiors. He did not, however, avail himself of the very great latitude allowed him by General Grinfield, but took his departure immediately after the arrival of General Maitland.

Previous to his leaving for ever the Colony for which he had done so much, the following address was presented to him by the principal proprietors and residents in the Island :—

“ To His Excellency, Brigadier-General
Thomas Picton.

“ We, whose names are undersigned, owners of real property, and principal residents of Trinidad, penetrated with sentiments of veneration and respect, beg leave to approach Your Excellency with our warmest acknowledgments for the wise, equitable and successful measures which have so long and so eminently marked the administration of your Government in situations of the most extraordinary difficulty that can possibly occur in a West India settlement.

“ In a conquered Colony, possessing the seeds of interior insurrection and insubordination. menaced. and preparations even made for the attack, by the enemies of the British Empire from without—destitute of ships-of-war to guard the coast, or fortresses to withstand assault, and at times with a very inconsiderable garrison. you stood undismayed—preserved tranquillity and order. and inspired His Majesty’s loyal subjects with the strongest confidence. Your vigilance, your vigour, and your activity supplied the want of physical forces, and you obtained from your enemies the greatest eulogium that can be bestowed upon a military chief—a Proclamation setting a price upon your head—for they were well convinced that while you lived, and governed Trinidad, but faint hopes could be entertained of its being conquered by the combined enemies of Great Britain.

“ To the Gracious Sovereign who sways the British Empire the most heartfelt gratitude is due not only for the great benefits we enjoy under

his most mild and auspicious reign, but for His continuing Your Excellency in the exercise of your military functions, and as one of the Commission for the Government of Trinidad; and in order to manifest more explicitly to His Royal view and the world at large, our affectionate regard for Your Excellency (to whose energy, under God, we owe our lives and properties) we beg leave respectfully to request that you will do us the honour to accept a Sword which we have ordered forthwith to be prepared in London; and we most fervently pray the Almighty Disposer of all events to give Your Excellency long life to wear it, and we doubt not of the honour with which you will wield it when called upon to act as a General Officer in the service of your King and country."

To this highly flattering address Picton made the following reply:—

"Gentlemen,—My success in preserving the sovereignty and tranquillity of this important Colony, during dangerous and critical times, is to be attributed to the general and steady co-operation of the proprietors at large, whose zeal and activity on all trying occasions merit my warmest acknowledgments.

"You, Gentlemen, who personally witnessed the difficulties I had to struggle with from the commencement, and throughout the whole period of my extended command, are alone capable of justly appreciating the merits of my administration.

"I accept the Sword you have done me the honour of voting, as a public testimony of your opinion, much enhanced by the time and handsome manner of its declaration.

"I have the honour to be,

"Gentlemen,

"Your very faithful and devoted

"humble Servant,

"THOMAS PICTON."

The fact of this address having been presented did not deter Colonel Fullarton from asserting, at a later period, that Picton "embarked on board the *Nelly* armed schooner in the dark, for Barbados, not daring it appeared, to face an injured and exasperated people after he was divested of the support arising from the civil and military power with which he had been formerly invested," an assertion which, apart from its actual untruth, is made ludicrous by coupling the name of Picton with anything like cowardice.

Thus, after six most eventful years, during which the whole responsibility of the Government had rested upon his shoulders, the immediate connexion of Picton with Trinidad came to an end. If it be deemed that this portion of the history of the Island has been dwelt upon at too great a length, the excuse, if any be needed, lies in the fact that it is the manifest duty of an historian of Trinidad to clear the memory of its first British Governor from the last vestige of the obloquy with which, in consequence of his connexion with that Colony, it was so long overshadowed. In order to do this fully it will be necessary, in a future chapter, to enter upon an examination of that act of alleged illegality and heartless cruelty, for which, at the instigation of Fullarton, Picton was a few years later put upon his trial before the Court of King's Bench.

The narrative of this celebrated case is a very long one, and in order not to interrupt the chronological order of events, must be deferred until the period is reached when legal proceedings were first instituted in England against Picton, but in the meantime it will be convenient to consider how far he merited that general reputation for cruelty with which his name, as Governor of Trinidad, has been so commonly associated.

The impartial reader of the foregoing chapters will admit that it would not have been possible for him to reduce the state of chaos in which he found the Island in 1797, into the good order in which he transferred the government to the Commissioners in 1803, without having recourse to measures of severity. The only question therefore that remains is,—was that severity excessive, and were the means used for the punishment of offenders legal?

At the present day, burning and beheading, branding and mutilating, appear terrible and inhuman modes of punishment, yet they were in common use until a comparatively recent period, and there are some still living who have witnessed these fearful sentences carried into effect in Colonies under British rule. They were the punishments fixed by law for the commission of certain offences, and mere sentiment, however natural, must not blind us to that all-important fact.

The Island of Martinique was in the hands of the English from 1794 until 1803, and during that period the French Laws were in force, although administered by English Judges, just as the Spanish Law was administered by English Judges in Trinidad. At that time a common offence all over the Colonies, but especially in Martinique, was the poisoning both of slaves and cattle in order to injure the owners of estates, and in the French Colonies particularly, the punishment for this most heinous offence was extremely severe. Official records shew that during the period of the British occupation large numbers of prisoners were sentenced by the Tribunals of Martinique to be burned alive, and that these sentences, after being confirmed by General Keppel, the British Governor, were carried out on the different estates where the crimes had been committed, in the presence of detachments of British soldiers.

If General Keppel acted rightly in carrying out French Law in Martinique, how can General Picton have done wrong in following the Law of Spain in Trinidad?—or if both were wrong, why was one only selected to be held up to public execration? Both Colonies had been captured from foreign nations, and the laws of each were totally different from the laws of England.

It must not, however, be supposed that the foreign Colonies enjoyed an unenviable monopoly of cruelty. At the very time when Fullarton was declaiming against his colleague for having tortured and mutilated a number of human beings, the law of the neighbouring Colony of St. Vincent, not a Spanish Law, not a French Law, but one passed by the local House of Assembly and approved by the King of England, punished any slave convicted of raising his hand against his master by the amputation of that hand and the slitting of his nose!! The Codes of the other British Colonies contained similar enactments.

It may, however, be said that Picton, being invested with absolute power, might have mitigated the severity of the laws instead of carrying them out with the utmost rigour. This, after all, only amounts to criticizing the manner in which he exercised the discretionary powers left to him by Sir Ralph Abercromby, and it is impossible to do this fairly unless all the circumstances by which he was surrounded,

all the difficulties with which he had to contend, are taken into most careful consideration.

But there is also another thing to be remembered—the temper of that day was not a mild one. Severity and cruelty were the characteristics of the Laws of England and of other European States, nor was there any hesitation about putting them into execution.

Only a few years before Fullarton made his memorable motion at the Council Board of Trinidad, the attention of the House of Commons had been called to the way in which British subjects, not slaves, (at least not ostensibly), not a degraded race (save in the estimation of those who unfortunately possessed both the inclination and the power to deal with them as such) were treated by British officers, and, as it would appear, with the full sanction and approbation of the British Government.

On the 22nd November, 1797, Lord Moira, from his place in the House of Commons, called attention to the state of things existing in Ireland—a country even then only two or three days' journey from the seat of the Imperial Government, not a petty Colony, separated from it by four thousand miles of ocean, recently conquered from an enemy and inhabited by a few thousand nondescripts of all nations, but an integral portion of the Empire, called, then as now, by the flattering name of the Sister Kingdom, although it may be said, with but too much truth, that Ireland's place in the family circle has always been that of Cinderella in the fairy tale before she met the Prince.

The object of Lord Moira's motion was to induce the King's Ministers to change their line of policy and adopt measures of conciliation towards Ireland. In the course of a long and eloquent speech he referred to events in that country in the following terms:—

“When a man was taken and was suspected of being guilty himself, or of concealing the guilt of others, he *was put to the torture* I have known in repeated instances men taken up on suspicion, *subjected to the punishment of picketting*,* a punishment abolished in the cavalry as

* Picketting as practised in the army was a fearfully severe punishment. The culprit was made to sit astride upon a wooden saddle elevated some feet from the ground and heavy weights were attached to each foot. An idea can easily be formed of the excruciating agony of such a position.

being too severe. I have known a man in order to extort confession of a supposed guilt, or of the guilt of some of his neighbours, *picketted till he actually fainted, picketted again until he fainted, picketted a third time until he fainted.*"

That these and far greater atrocities were perpetrated in Ireland at the close of the last century is a matter of history, which is only referred to here as shewing that the spirit of the age was not a merciful one, and that there was something more than mere inconsistency in blaming Picton for doing in Trinidad, with both law and necessity on his side, what was done in Ireland under a false plea of necessity and without a particle of legal justification.

Nor could it even be pretended that harsh and cruel punishments were unknown to English law; without detailing the number of offences for which in those days, death was the penalty, it suffices to cite the sentence, passed in February, 1803, by Lord Ellenborough upon Colonel Despard and his accomplices, convicted of High Treason, and which was couched in these words:—

"You are to be hunged by the neck but not until you are dead, for while you are still living your bodies are to be taken down, your bowels torn out and burnt before your faces; your heads to be cut off, and your bodies to be each divided into four quarters at the King's pleasure."

It is true that this sanguinary sentence was only partially inflicted, the more horrible portions of it being remitted by the King as an act of Royal grace, but that does not alter the fact that the punishment was in accordance with law, and that had not the King intervened it would have been carried out.

No one, it is to be hoped, would now-a-days wish to see such barbarous punishments brought back into use, and the above remarks are not intended to be a defence of them, but merely to shew that the virulent attack made upon Picton must have been prompted by personal and interested motives, and that he was made the victim of an intrigue in which many persons were concerned, but in which Fullarton was the chief mover. Even were it possible to credit the oft repeated assertion of the First Commissioner, that he did not come to Trinidad predisposed against Picton and determined to cause his recall and disgrace, his selection for his office was singularly infelicitous, for it is

sufficient to look at the widely differing characters and dispositions of the two men so injudiciously linked together, to see that a rupture was inevitable between them. No two persons could be more utterly dissimilar ; Picton was frank and outspoken to a fault ; Fullarton was doublefaced, treacherous and intriguing. On more than one occasion when he could do so with impunity, he assumed a tone as haughty as was ever adopted by Picton, and committed high-handed acts which had not even the semblance of legality. Of this, his armed invasion of Mr. Black's house and the language he used towards that gentleman are striking examples.

That on occasion Picton was stern and haughty cannot be denied ; such a tone and mien were often necessary to ensure respect, but admitting that he was despotic, he could not, under the circumstances, have succeeded in his Government had he been anything else. The great difference between the two men may be thus described : Picton's *hauteur* and despotism were forced upon him by the peculiar conditions in which he found himself placed, and only shewed themselves when dealing with those whom it was necessary to overawe and control ; Fullarton, on the contrary, kept his arrogance and blustering for those whom he thought he could safely attack. In the one case it was the stern, proud bearing of a man who felt his power depended upon his unbending severity and firmness ; in the other, it was the presumption of a *parvenu* and the despotism of a bully.





CHAPTER XIV.

THE partisans of Colonel Fullarton felt the necessity of doing something to counteract the effect which the address and the testimonial presented to Picton must produce. Accordingly, a few days after the departure of the latter, an address was made to the First Commissioner, the object of which was to shew that he had saved the Colony from impending ruin, and that to him alone was it due that peace and tranquillity had been restored, and some sense of security, both for their persons and property, experienced by the inhabitants.

After reading this address, which was signed by two hundred and twenty-nine persons, some of whom were officials, and of whom only twenty-five were natives or old settlers in the Island, the remainder being either English or Scotch, it is difficult which to admire more: the effrontery of the subscribers in crediting Fullarton with the restoration of a tranquillity which he alone had disturbed, or the ingenuity with which his abandonment of his post was treated as "a prudent and wise step," taken in order to better carry out the views of his Sovereign. This address was thus worded:—

"May it please Your Excellency,—We, the undersigned, Merchants, Planters and others, inhabitants of Trinidad, beg leave to assure Your Excellency of our unfeigned esteem, affection and confidence.

"We feel in the highest degree sensible of the paternal solicitude of our Gracious Sovereign in appointing as First Commissioner for the Island, a man whose talents, integrity and honour have been so often and so highly tried and approved; and lament exceedingly we have been so long deprived of Your Excellency's presence amongst us, by an opposition as extraordinary and unexpected, as we conceive it to be unjust, unexampled and improper.

“ We assert to Your Excellency our disapprobation of the Proclamation, dated April 27th,* as repugnant to justice and inimical to the peace and welfare of the Colony, and of the Resolution of Brigadier-General Picton and His Majesty’s Council of the 6th June, as being in direct violation of His Majesty’s commands communicated by Lord Hobart’s letter of the 23rd April.

“ We beg to express to Your Excellency our full conviction that Your Excellency is in every respect worthy of the high trust reposed in you by His Majesty and our confident hope of soon seeing the Colony flourish under your wise, prudent, and conciliatory measures, as sole Governor, and in the administration of the equitable and admirable system of British jurisprudence.

“ We feel it our duty to declare our admiration of the prudent and wise measures of Your Excellency in pursuing at the moment you chose for that purpose, those objects of His Majesty’s Commission which could effectually be carried on at a distance from Port-of-Spain, and assure Your Excellency that we believe that this conduct contributed most certainly and effectually to the tranquillity which this Colony has continued to enjoy.

“ We have the most perfect conviction that Your Excellency’s government in Trinidad will afford comfort and conciliation to all around you, and that your well known disposition will speedily heal up all difficulties which may have unhappily appeared amongst us, and beg to assure Your Excellency that you will receive every support and assistance which may become loyal British subjects from the undersigned, who are happy in this opportunity of declaring in this plain, simple manner our warm regard and esteem for Your Excellency’s character and person.”

Fullarton now found himself in the position he had so long sought to attain ; that of sole Governor of the Colony. He summoned the Council for the 20th June and was beyond measure enraged when no one, except Nihell, attended. Nor was his passion appeased when the Clerk of the Council laid before him the following letter :—

“ Port-of-Spain,

“ 20th June, 1803.

“ Sir,—Be pleased to communicate the enclosed paper to Mr. Fullarton, which we request may be put upon the Council Minutes for the inspection of His Majesty’s Ministers.

* The Proclamation declaring Fullarton no longer of the Commission.

“ It is the further resolution of His Majesty’s Council to have the contents of this paper made as public as possible.

“ We have the honour to be,

“ Sir,

“ Your most obedient humble Servants,

“ JOHN BLACK.

“ ST. HILAIRE BEGORRAT.

“ PH. LANGTON.

“ ARCH. GLOSTER.

“ GEO. UNWIN, Esquire,

“ Clerk of the Council.”

“ ENCLOSURE.

“ His Majesty’s Board of Council has received the summons of Mr. Fullarton to meet him *at his house* this day at 12 o’clock.

“ The Minutes of the Council for some months past, and attention to a declaration published on the 16th of this present month by Mr. Fullarton, will readily account for the surprise felt at such notification, and as it is resolved that proper firmness and consistency shall mark the Council’s public duty, it declines such meeting. The Council will, however, in justice to its own character, offer some observations which arise upon these extraordinary occurrences. A consciousness of acting right and for the security and tranquillity of this valuable Colony, its members feel individually, but as a Public Body, the Public voice may call for and expect, at this period, some explanations.

“ Recurrence to all the Council’s Minutes is unnecessary ; they speak for themselves. They are for the eye of the King and his Ministers, and they may in some respects be judged of from events by this community and the world at large. Upon those Minutes in the aggregate the Council is willing to rest the question of the proper or improper discharge of its public duties, and the undersigned members ratify and approve in the strongest manner all that appears on the face of those Minutes, and particularly the expediency and necessity of the Proclamation of the 27th April.

“ Mr. Fullarton, in his late publication, has unequivocally declared this Proclamation “ a direct violation of the King’s authority, tending to excite insurrection and disobedience ;” in fact charging His Excellency Thomas Picton, a Brigadier-General of His Majesty’s Land Forces, who for about six years had laboured to maintain good order in Trinidad, and who, beyond the hopes of the most sanguine, had succeeded ; and His Excellency Samuel Hood, Esquire, a Commodore in the service and one of the brightest stars in the constellation of Naval heroes, with misprision of treason.

“His Majesty’s Council having approved the said measure, is consequently equally inculpated, and feels itself particularly proud to have such associates even in what is charged by Mr. Fullarton as a heinous crime.

“It will be necessary for His Majesty’s Council further to state what led to this Proclamation, and to set the motives for issuing that State Paper in a proper light ; this may vary with Mr. Fullarton’s statement of facts, which is to be lamented.*

“On the 24th of March Mr. Fullarton stated to His Majesty’s Council that he thought it incumbent on him to prepare his report and to view in person different positions in the Island, and that those duties would prevent him from a regular attendance at the meetings of the Council, but at the same time that he would attend to the current proceedings of the Board, and would be ready to express his sentiments on every material occasion and bring forward every essential suggestion. This was the only communication to the Council on this head, and it is ignorant of any communication of the 12th March to the Junior Commissioners, but it presumes to think that if any such communication had been made it would have been laid before the Board by them, when the question of the abandonment of the Government by Mr. Fullarton was temperately discussed.

“Mr. Fullarton took his departure from Port-of-Spain on the 1st April, and although report was strong that he had immediately sailed out of the Bocas and abandoned the Government, His Majesty’s Council discredited the report as not being consonant with the professions of the King’s then First Commissioner and Representative, who never had conveyed to the Council any design to quit the Island, and with patience, becoming the dignity of their station, they awaited further communications. Twenty-six days after it was verified to the Commissioners and Council, beyond the possibility of refusing conviction, that Mr. Fullarton had left the Gulf of Paria in the schooner *Start* on the 1st April, repairing to Union Island, one of the Grenadines, to put a passenger and despatches on board the ship *Sinclair*, Captain Cook, bound for London, and from thence had sailed in the same schooner *Start* to St. Vincent, Martinique, and Dominica, and back again to St. Vincent.

“These facts being ascertained, His Majesty’s Council was convened by the Commissioners present to assist with their advice upon this new and very unexpected event, and after the maturest deliberation, the result was the Proclamation of the 27th April, which being ordered to be put on the Council Minutes by the Commissioners and Council, was afterwards duly promulgated ; a measure, in the opinion of His Majesty’s Council, absolutely necessary to secure the peace of the country, then greatly disturbed by Mr. Fullarton’s charges against his colleague, Brigadier-General Picton, and particularly as His Excellency Commodore Hood was

* The style and phraseology of this document clearly point to its author. Bégorrat was a man of education, talent and determination, and his was the master mind which led the others throughout.

on the point of assuming his Naval duties in consequence of the rumours of war, and might not return. It may be called an extraordinary proceeding, or a novel one; but secret derogation from public trust often demands a remedy commensurate with the evil, and the undersigned, consistently with the duty they owe the public of Trinidad and themselves, cannot therefore form a Board of Council until His Majesty's gracious pleasure be signified respecting the differences and events collectively considered, that have occurred in the Colony since it has been under the government of the Commission.

“ JNO. BLACK.

“ ST. H. BEGORRAT.

“ PHILIP LANGTON.

“ ARCH. GLOSTER.

“ 20th June, 1803.”

On this letter being read Fullarton immediately removed the rebellious Councillors and appointed others in their place, viz.: Messrs. Rigby, Smith, and Wilson, and Colonel Rutherford the Surveyor-General. He also suspended Gloster from his functions as Attorney-General, on account of the part he had taken in what he considered to be acts of direct disobedience to the Royal Authority.

The line of conduct thus adopted by the First Commissioner naturally tended to keep alive the alarm and discontent which his differences with his colleagues had already created throughout the Colony; but fortunately this most uncomfortable state of things did not long continue. In the following month Brigadier-General Hislop arrived with a Commission as Lieutenant-Governor of the Colony, and relieved Fullarton of the Civil Government, and Brigadier-General Maitland of the command of the Troops. Fullarton almost immediately left for England, and there commenced those machinations against Picton, alluded to in the last chapter, the result of which will subsequently appear.

Before General Maitland left the Island an address was presented to him by the Cabildo, to which he replied in these terms:—

“ Gentlemen,—I am most grateful for this public testimony of your approbation of my conduct, for which I return you my warmest thanks. It rises in my esteem for this reason, that as I replaced a most distinguished and meritorious officer, it was the more difficult to gain applause. I will not throw away this opportunity of expressing, in unison with you, that

I greatly honour and esteem Brigadier-General Picton. In a period of public danger when the Colony was beset with traitors, and shaken by the unruly behaviour of a disorderly soldiery (for such was the major part of the garrison in May, 1797), his undisturbed mind awed the factious, subdued the danger, and saved the Colony."

The recently appointed members of Council either did not feel very sure of the power of Fullarton to nominate them, or were unwilling to embroil themselves in any further disputes, and in addressing the following letter to the latter on the arrival of General Hislop, they adopted a course very much to their credit :—

" Port-of-Spain,
July 19th, 1803.

" Sir,—Under the impression that at this moment the declaration of certain principles may be required from us, we beg leave to state to Your Excellency, and to request that you will have the goodness to convey the same to General Hislop, that we were actuated by pure and sincere motives in our acceptance of seats in His Majesty's Council, hoping that it might be conducive to the peace and tranquillity of the Colony, from our determination to act on firm and honourable principles, divested of all partial or party views.

" We also beg Your Excellency to assure the General that when we have received him as His Majesty's Lieut.-Governor, by his being formally and regularly sworn before us, we are ready, acting on our original principles, to resign our seats in Council into the hands of His Excellency ; leaving him thereby at full liberty to act upon his own judgment, and the information he will receive, as to the forming such a Council as he may suppose will best answer the purpose of procuring happiness and prosperity to the Colony.

" Your Excellency will do us the justice, we are persuaded, to believe that we are impressed with the highest respect for Your Excellency, and in this voluntary offer of resignation of that honourable mark of Your Excellency's approbation, we do not forget the estimation in which we hold it, neither do we mean to convey any other idea by this offer than the honourable one of contributing, if such a sacrifice can do so, to the welfare of this very valuable part of the Empire.

" Your Excellency will do us the favour to assure General Hislop that we are impressed with the highest respect for his character, obtained in the honourable discharge of his office in the government of a neighbouring Colony.

" We have the honour to be, &c., &c., &c.,

" JAS. RIGBY.

" JOHN SMITH.

" JOHN RUTHERFORD.

" ANDREW WILSON."

The resignations of these gentlemen were accepted by General Hislop, who reinstated the old Council as it had previously existed, and as this step met with the approbation of the Home Government, it may fairly be supposed that the conduct of Bégorrat and his colleagues in refusing to meet Fullarton was not deemed to be very reprehensible.

Internal peace being thus restored the new Governor was enabled to pay some attention to the more pressing needs of the Colony, and one of the earliest objects of his care was the disposal of the Crown Lands, the difficulties attending which were already beginning to shew themselves.

In a Report made in August, 1803, by Colonel Rutherford the Surveyor-General, that officer drew attention to the very insecure and unsatisfactory condition of the records in his office, which were in fact the title-deeds of the landholders of the Colony, describing them as "mere scraps of paper tacked together and consequently liable to be lost," and adding, that: "the necessity for taking steps for their preservation must appear the more evident when it is considered that we may soon have to enter upon the business of granting the Royal Lands, in which case there will be extreme confusion if the measures be not reduced to the English standard and the language rendered intelligible to English Surveyors. Besides, *it is absolutely necessary for me to know what has already been granted, and to examine the records in order to know what are Royal Lands, and what are not.*"*

In consequence of this Report a sum of money was at once voted for the purpose of obtaining a more fitting place in which to keep these important records. Some months later, the demand for land steadily increasing, the Council "having taken into consideration the frequent applications made for grants of occupancy, and being sensible that as yet His Majesty's Ministers had not authorized the Governor to make any concessions of occupancy, which appeared to the Council disadvantageous to the speedy settlement and cultivation of the Colony," recommended in the strongest manner to the Governor an immediate communication with the Secretary of State, praying

* The attention of the reader is particularly called to the words italicized in this and the following paragraph, as they will become of importance when considering the attitude taken by the landholders of Trinidad a few years later.

him to invest His Excellency with the necessary powers to make grants of land, "subject to such *Quit Rents, fines and other restrictions* as His Majesty may hereafter think proper to impose."

Unfortunately the Minister did not think fit to accede to this request, the policy of the Government of the day being adverse to any extension of cultivation in the Colony. Already in the previous year (27th May, 1802) Mr. Canning had moved "that no grants should be made of unclaimed lands in the newly ceded Island of Trinidad, except on the express condition that no newly imported slave should be employed thereupon."

In a long and eloquent speech he expressed his fear of the great impulse which would be given to the slave trade if these lands were granted unconditionally, and he called particular attention to the fact, that scarcely had it become known that the Island had been finally ceded to Great Britain, than the walls of the metropolis were covered with placards, describing its fertility and unbounded resources. He brought forward his motion in order to prevent an impetus being given to the slave trade at a moment when the energies of the philanthropists of Europe were being devoted to its suppression, and he quoted figures to shew the number of slaves that would be needed in order to bring into cultivation the unalienated lands of Trinidad. According to the papers before the House, 10,000 slaves were employed, on the 34,000 acres already granted, and as about one-half of the 876,400 acres still unreclaimed were suitable for the cultivation of sugar-cane, he calculated that a million of slaves would be required before the Island could be thoroughly settled.

Trinidad, he suggested, should be made a strong military post, a naval station, and a *sanatorium* for British troops, instead of yielding it up to those who could see nothing in a West India Island but a field for the production of sugar. He was also very adverse to granting large tracts of land to capitalists who would inevitably be non-resident. The aim of the Government, he held, should be to induce persons to settle and reside in the Island. Europeans could not work in the cane fields, but there were other industries to which they could turn their hands, such for instance as the raising of vegetables and the breeding of cattle. He also pointed out that by its geographical

position Trinidad ought to be the emporium of the trade with South America.

In this speech there are several points deserving of serious consideration. The idea that Trinidad ought not to be given over to the sugar planters only, was worthy of a man of Canning's genius and foresight; the suggestion that the lands of the Colony should be divided among a large number of resident proprietors rather than a few absentees, had it been adopted and strictly carried out, would have saved much distress and misery in the past, and given Trinidad at a much earlier date, the prosperity she now enjoys. The notion of making the Island the central *depôt* of a vast South American trade, although one which ought to have strongly recommended itself to the practical English mind, has been entirely lost sight of, or neglected. Unfortunately *none* of the suggestions were carried out at the time. For more than ten years the land question was left untouched, whilst illegal, or at best uncertain, tenures were meanwhile gaining a *quasi* prescription from length of possession which eventually gave considerable trouble and annoyance.

It was not, however, the land question alone which caused Hislop uneasiness. The Government of the Colony had devolved upon him at a critical moment, when the dissensions between the Commissioners had split the society of the Island into several cliques and *côteries*, whilst the disaffected had once more become dangerous through the conduct of Fullarton and the departure of the one man they had learned to dread. In addition to this the Treasury was absolutely empty and the Colony heavily in debt, all Picton's economies having been swallowed up by the expenses of the Commission Government.

In spite of these drawbacks a great deal was done to improve the condition of the Island generally, and especially to increase and facilitate the communication between all parts thereof and the capital. The present high road between Port-of-Spain and St. Joseph was commenced, in place of the old bridle path over the hills; the vacant space to the westward of the town which had formed part of an abandoned estate was railed in and named Brunswick Square, and various other useful and ornamental works were commenced. Regulations were also made for the Police of the town, which, during the

recent unhappy division of authority, had become utterly disorganized. One of these, although possibly a very proper one at the time, reads now more like an edict of the middle ages than a Police Regulation for a British Colony in the nineteenth century. It was to the effect that at half-past nine o'clock every evening, a bell was to be rung as a signal that all free coloured persons were to retire to their houses ; a quarter of an hour was allowed them to do this, at the expiration of which the *alguazils* were to arrest all persons of that description, as well as slaves, unless they had candles or lanterns, or passes from the Governor !

It was not only over the people of colour and the slaves that the Governors of those days had control. Their powers were so wide and comprehensive that every one, no matter what his position, was directly amenable to them. Even the profession of the law, so wisely invested with almost inviolable immunity from Executive interference, was then no protection, as the following anecdote will prove :—

A Spaniard named Estevan Dubois, who had been sent off the Island by Picton shortly after the capitulation, was found to have returned in 1804 and to be practising some of the same misdeeds for which he had originally been banished. General Hislop ordered Mr. Black, who was once more filling the office of Alcalde, to take steps to have him again sent off the Island. Dubois appears to have been but too well known to all the old inhabitants, who were extremely anxious to be relieved of his company, but he found an advocate in Mr. George Knox,* a Notary Public then practising in the Island, who protested against the expulsion of his client as an arbitrary and illegal act. Arbitrary it may have been, illegal it certainly was not, for the Governor's Commission specially empowered him to banish from the Island any person dangerous to its tranquillity, and that Dubois came within this category is abundantly proved by the evidence laid before the Council.†

As soon as Knox's protest reached the Governor, the latter immediately suspended him from the exercise of his functions as a Notary

* Father of the late Chief Justice Knox.

† A portion of this evidence is historically valuable as showing that the riot

Public, and assembling his Council informed the Board of what he had done. His action was not only approved, but a Resolution was passed in which the Board expressed its opinion that it was not competent to a Notary Public to protest against the acts of the Executive, an opinion to which Mr. Knox was either converted or thought it wise to conform, for shortly afterwards, on his making a suitable apology to the Governor, his suspension was cancelled.

Very shortly after this incident the Governor's attention was directed to more serious matters. On the 22nd May, 1804, he convened a special meeting of the Council, and after communicating the alarming intelligence he had just received, that a French fleet, composed of two line-of-battle ships and ten frigates, had been seen in the neighbourhood of the Island, he informed the Board that he had taken the best advice he could in this emergency, and then proceeded to detail to them the measures he proposed to adopt for the defence of the Colony.

The Island of Trinidad, as has already been mentioned,* is separated from the mainland of Venezuela by four channels to the north of the Gulf of Paria, which are called respectively, the Boca de Monos, or Ape's Channel; Boca de Huevos, or Egg Passage; Boca de Navios, or the Ship's Mouth; and the Boca Grande. To the south of the Gulf, between Point Icaos and the Delta of the Orinoco, is the Boca del Sierpe, or the Serpent's Mouth, the same by which Columbus entered the Gulf in 1498. This channel is subdivided by two large rocks,

which occurred after Vaughan re-embarked (*vide* ch. i., p. 19) was serious, and one which has not been so much exaggerated as has been contended :—

“MINUTES OF COUNCIL.

“16th May, 1804.

“William Handley, sworn and examined; . . . After stating what he knew of Dubois, continued :—‘At the time of Captain Vaughan's affair, on my return from Naparima, I found my books and money on board the English fleet in the harbour, and Captain Vaughan's springs on his cables, ready to fire on the town. The next morning I was the first Englishman permitted to go on shore.’ Mr. Handley was a respectable merchant and not in a position to be personally obnoxious like Black and Nihell, who were Alcaldes, and who also deposed to having been shot at in the same affair.”

* *Vide* Note, p. 16.

called "Los Lobos," or the "Wolves," and "El Soldado," or the "Soldier," into three passages of unequal breadth. The Boca de Monos, commonly called the "First Boca," is about half a mile in breadth, having at its entrance from the Caribbean Sea a large rock connected with the Island of Monos by a line of reefs. The currents in this passage are very strong, and it can only be used with safety by steamers. The passage between Monos and Huevos is considerably broader, but the currents render it extremely dangerous, and it is rarely, if ever used. The Boca de Navios is nearly a mile in breadth, is well adapted for the passage of vessels leaving the Gulf, but on account of the currents is not so well suited for their entrance. The Boca Grande is over five miles in breadth, with a minimum depth of fifty fathoms, and is easily accessible for ships of any size. The southern passages are extremely dangerous and are scarcely used except by coasting vessels.

From the above description it will be seen that in 1804, when war steamers, turret ships, torpedos *et hoc genus omne* were yet in the womb of the future, the approaches to the Gulf of Paria by sea were neither numerous nor convenient.

From the northern mountains, which overlook the whole line of passages by which entry can be made on that side of the Gulf, vessels can be discerned even when at a considerable distance. There was not therefore any dread of a surprise. The real and serious danger lay in the difficulty of defending the town, which was situated where it now stands, at the foot of a semicircle of hills forming part of the range running through the entire northern part of the Island. With a view to its defence, extensive works had been commenced some years before upon the crest of the promontory known as Pointe Gourde,* which runs out into the Gulf in a southwesterly direction some seven or eight miles to the westward of Port-of-Spain, and partly closes in the Bay of Chaguaramas to the east.

It is to be presumed that the military authorities of those days

* The term Pointe Gourde, which has no meaning whatever, is a French corruption of "Punta Gorda," the "Difficult Point," a name given by the Spaniards to that headland in consequence of the strong currents sweeping round it, which render the passage extremely difficult and laborious to oarsmen. The remains of the military buildings are still to be seen.

considered the site a good one, yet to Hislop it appeared singularly unfitted for the purpose for which it had been selected. The position was not even a commanding one, for a hostile fleet, after entering the Gulf by the Boca Grande, needed only to stand well to the southward to be entirely out of the range of any of the guns which had in those days been invented. In addition to this the place so chosen was difficult of access and badly provided with water, besides being in the immediate neighbourhood of the spot which had proved so fatal to the fleet of Apodaca only a few years before.

If it ever be deemed advisable to fortify the entrances to the Gulf of Paria—and considering its extent and perfect safety as a roadstead, money might be spent upon less useful objects—it would not be a very difficult thing to effect. A few guns upon the western point of the Island of Gaspar Grande would command the First Boca, and if batteries were erected upon the main Island and upon Monos itself, that channel would become next to impassable. Few ships would risk the Boca de Huevos, but that could also be protected even against gun-boats; and then by fortifying Chacachacare and Pato the four northern channels would be rendered, if not absolutely impassable, still very dangerous to attempt. The southern channel would probably be less easily fortified, but its natural difficulties are already so great that it would require but little aid from the art of the engineer.

The north coast is quite impracticable to an invader except at one or two points easily defended, and they can only be approached at certain seasons of the year. The eastern side of the Island is more exposed, but has no natural harbour or roadstead, and to disembark troops would be no trifling undertaking.

In 1804, however, the entrance by the Bocas to the north was, as it still is, utterly undefended, and, as Hislop observed to the Council, there was no time to repair this omission. Remembering what had been Chacon's last difficulty, he sought a strong commanding position to which, in the event of an invasion, he might retire and there, to use his own expression, "maintain the Sovereignty of the Island"—that is to say, hold out for favourable terms, or until relieved.

For this purpose he selected a hill, or rather two hills, rising one over the other, to the northwest of the town, above the site at present

occupied by the Leper Asylum. These he proposed to fortify, calculating that the position could easily be held by a thousand men, and very careful arrangements were made for victualling it and conveying thereto on the first notice of danger the archives of the Colony, the books of the merchants, and every thing else that it was desirable to protect. The proposed site offered many advantages; it was easy of access, and yet the approaches could be thoroughly well protected, whilst to attack it in rear or in flank was practically impossible; it overlooked and commanded the town and the harbour, and possessed a spring of water which even then, in an exceptionally dry season, was yielding nearly nine hundred gallons of water *per diem*.

The Council entirely coincided with Hislop's views; the works at Pointe Gourde were abandoned and those at Fort George, as the new position was called, were pushed on with the utmost vigour under the superintendence of a Captain Walker, who evidently possessed both energy and skill, and who is more than once mentioned in the Minutes of the Council in highly flattering terms.

Unfortunately the evils of divided responsibility now began to be felt. As Governor of the Colony Hislop was answerable to the Home Government alone for his acts, but he was also a military man holding a command, and as such amenable to the Commander of the Forces in the West Indies. In fact, the Islands belonging to Great Britain formed a chain of outposts, and the chief military officer in each had to be guided generally, though not of course in minor details, by instructions from head quarters.

Sir William Myers, who was then in command of the Troops in the West Indies, did not approve of General Hislop's change in the defensive arrangements, and issued an order that no officer or soldier of the regular forces should take any part in the construction of the works at Fort George, or garrison them when completed. He also addressed a somewhat strongly worded letter to Hislop, blaming him for having taken upon himself to alter the arrangements for the protection of the Colony without previous consultation with him and obtaining his authority as Commander-in-Chief.

The receipt of this letter and the orders which accompanied it placed General Hislop in a very embarrassing position. He was fully

convinced of the correctness of his views as to the unsuitability of Pointe Gourde as a military position, but at the same time he was bound to defer to the opinion of his military superior. He therefore determined to lay the question before the Council, and having done so, found the members were unanimous in the opinion that the works at Fort George should be pressed forward as rapidly as possible, and that those at Pointe Gourde should be discontinued—at all events for the moment. At the same time the Board felt the very awkward position in which the Governor was placed, between the obedience he owed to his military chief on the one hand and his sense of responsibility for the safety of the Island on the other, and a course was adopted, which to a great extent freed him from the dilemma.

The Attorney-General, and Colonel Rutherford the Surveyor-General, were sent on a special mission to Barbados to endeavour to persuade Sir William Myers that the proposed change of site was one greatly for the better. The arguments of these gentlemen, one of whom (Colonel Rutherford) was himself an Engineer Officer of high standing were not altogether unavailing, for shortly afterwards, when the allied fleets of France and Spain made their appearance in the Caribbean Seas, the Commander of the Forces wrote to General Hislop, that “whilst not retracting his former Despatch, he left him at liberty to take such measures as he thought advisable for the protection of the Island.” One of the precautions taken deserves mention, as illustrative of the customs and notions of those days. An addition was made to the local Militia by the formation of a corps called the “Royal Trinidad Rangers,” composed of “faithful and well-disposed negroes,” who were to be appraised previous to enrolment, so that should any damage be done to them, or should they lose their lives whilst on service, their *owners* might be enabled to receive compensation!

In June, 1805, an incident occurred which at the time spread great alarm and terror throughout the Colony, but which also served to show that the loyalty of all classes of the inhabitants might be fully depended upon.

On the northern coast of Trinidad there is a beautiful Bay known as Las Cuevas, which is almost the only harbour on that side of the Island. This Bay is semicircular in shape, and at the eastern point

are still to be seen the remains of a military work, known in the early days of the British occupation as Fort Abercromby. It would be difficult to understand why so isolated a spot should have been chosen for a military post were it not accounted for by a Despatch from Picton to the Commander-in-Chief, written in 1798-9, detailing a plan which he intended to adopt should an enemy at any time pursue the same tactics as those by which Port-of-Spain had fallen into the hands of Abercromby and Harvey. He proposed in that case to retire from Port-of-Spain upon St. Joseph, and there to hold his ground for as long a time as possible. This would enable him to command the road (which he had repaired and widened) between St. Joseph and Las Cuervas, so that if hard pressed he could retire to the latter point, and from thence make good his retreat to Tobago. With this view Fort Abercromby had ever since the capitulation been kept available, and in 1805 was garrisoned by a small party of the Royal Artillery, under an officer of the same corps.

Early on the morning of the 7th June of that year, the Commandant of the Fort perceived a large number of vessels bearing down from the northeast, and evidently directing their course towards the Bocas. Whether these vessels carried no colours, or were too far off for them to be distinguished is not upon record, but the officer in command of Fort Abercromby came to the conclusion that he saw before him the allied fleets of France and Spain, and acting upon this belief he took a very decided, if not a very useful step. He dismantled the guns, blew up the Fort, and mounting his horse, galloped off to report at head quarters that the enemy's fleet was in full sail for the Bocas.

On the receipt of this intelligence Port-of-Spain became a scene of disorder, consternation, and dismay. The Governor fortunately was equal to the occasion, and by his energy and example soon restored confidence amongst the inhabitants and raised their failing courage. He appealed to the colonists of all classes to unite in the defence of their Island home, and men of all ranks, religions and races, at once responded to the call, and none did so with greater alacrity, or more cheerfully than the free people of colour, who in the common danger forgot many wrongs and grievances of which they had but too much

reason to complain. According to the arrangements made in view of such a contingency, the Government archives and the merchant's books were despatched to Fort George, and preparations were being made for all possible resistance, when it became known that the supposed invaders were not the combined forces of Villeneuve and Gravina, but British vessels under the command of Lord Nelson.

All the warlike preparations came to a sudden termination. There was no longer any thought on the part of the more peaceful citizens of burying their treasure and hiding themselves in the woods, and more than one of those who had been obliged to arm for his country's defence was not at all sorry that he would not be called upon to don his uniform for any more warlike purpose than that of forming a guard of honour to receive the Hero of the Nile. Even this, however, was not required, for Nelson did not come up to Port-of-Spain, but turned back in pursuit of the allied fleet, which he had thought to find in the Gulf of Paria.

It may well be supposed that no one was disappointed at the peaceful ending of the threatened attack, but it was not until some months later that all the facts of the case were fully known.

On the 3rd March, 1805, Villeneuve having put to sea from Toulon with eleven ships of the line and eight frigates, had formed a junction with the Spanish squadron in the harbour of Cadiz, and thus increased to eighteen ships of the line and ten frigates, and having on board ten thousand veteran troops, the combined fleet set sail for the West Indies on the 10th April. Nelson, who had long been watching Villeneuve's movements, was misled into the belief that after leaving Toulon the French Admiral had steered for Egypt, whither he in consequence followed him. As soon, however, as he discovered his mistake he turned back and pursued his enemy across the Atlantic. He had with him but ten sail of the line, and three frigates; the officers and men were worn out with hard work, and his own health was in a most precarious state; but still he was determined, if possible, to overtake Villeneuve, although the latter had full thirty days' start of him. He reached Barbados on the 4th June, and believing that the combined fleet had proceeded to Trinidad, made sail for that Island the very next day. The following extract from

the log of the *Victory* gives a succinct account of what followed :—

“JUNE 5, A.M.—At 9.30 weighed and made sail to the southward, squadron in company ; P.M., 2.15, made the general signal to prepare for battle.

“JUNE 6, P.M.—At 5.30. Mud Fort at Tobago saluted with nineteen guns, which was returned with an equal number. At 6.10 a schooner made the signal for the enemy being in Trinidad. At 6.20 bore up.

“JUNE 7, A.M.—At 5, made sail to the westward towards the Bocas of Trinidad. At 9 observed Fort Abercromby to be on fire and the troops to abandon it ; P.M., at 5.30 anchored in the Gulf of Paria near the west entrance of the Bocas of Trinidad ; squadron anchored as convenient.

“JUNE 8, A.M.—At 7. weighed and made sail.”*

The above is of course a bare entry of events, but the following passage from a well known work supplies what is wanting, and accounts for the mistake which led to the belief that the enemy's fleet was in the Gulf of Paria :—

“On the 6th June, 1805, the fleet arrived off Great Courland Bay, Tobago, and Captain Henderson of the *Pheasant* sloop was directed to proceed with all expedition to Port Toco in Trinidad to send a boat on shore with Sir William Myer's letters, for information whether the enemy were in the Gulf of Paria, and to communicate by signal with the Admiral in the morning. At Tobago all was bustle and apparent uncertainty, when in addition, the following singular occurrence took place :—A merchant particularly anxious to ascertain whether the fleet was that of a friend or enemy, had prevailed on his clerk, with whom he had also agreed respecting signals, to embark in a schooner and stand towards it. It unfortunately happened that the very signal made by the clerk corresponded with the affirmative signal which had been agreed upon by Colonel Shipley, of the enemy being at Trinidad. It was the close of the day and no opportunity occurred of discovering the mistake.

“An American merchant brig had also been spoken with the same day by the *Curieuw*, probably sent to mislead, whose master reported that he had been boarded a few days previously by the French fleet off Grenada, standing towards the Bocas of Trinidad.

“No doubts were any longer entertained, the news flew through the British squadron, the ships were ready before daybreak, and Nelson anticipated a second Aboukir in the Gulf of Paria.

If further confirmation was necessary it appeared in the seeming conflagration of one of the outposts at daybreak and the party retreating towards the citadel. The Admiral and officers of the squadron, after such corroboration, felt it difficult to believe the evidence of their senses, when on entering the Gulf of Paria on the 7th no enemy was to be seen, nor had any been there.”†

* State Papers, 1805.

† Clarke & McArthur, vol. II., p. 409.



CHAPTER XV.

IT is now time to revert to Picton and to relate what had occurred to him after his departure from Trinidad when relieved of his military command by General Maitland.

He arrived in Barbados just in time to take part in the expedition which left that Island in July, 1803, for the purpose of capturing Tobago and St. Lucia from the French. At both these places he greatly distinguished himself, and when Tobago capitulated he was appointed to be its Military Commandant.

From the mere fact of this appointment having been made it is evident that the Commander of the Forces, Sir William Grinfield, had not been prejudiced against him by what had occurred in Trinidad, and additional proof of this is furnished in the following extract from a Despatch written by that officer to Colonel Churton, Military Secretary to the Duke of York, then Commander-in-Chief:—

“ The disagreeable situation in which he (General Picton) has unfortunately, unintentionally, and disagreeably been placed, through the extraordinary conduct of Colonel Fullarton, requires me to desire you particularly to express my entire satisfaction with Brigadier-General Picton, both as a soldier and a gentleman. . . . , . . .

“ WILLIAM GRINFIELD,

“ Lieut.-General.”

The gallant General's manner of expressing himself is somewhat involved, but it is clear that the word “unintentionally” is not used with a view to disculpate Colonel Fullarton, but to indicate that the disagreeable position in which Picton had been placed could not be attributed to any fault on his part.

General Picton did not remain long in Tobago. Shortly after his arrival there he received letters from England by which he learned

that Colonel Fullarton was spreading in all directions and with the most elaborate details, a narrative of the horrible cruelties which, as he alleged, his late colleague had perpetrated when Governor of Trinidad. Acting on the advice urged upon him by the writers of these letters, Picton at once threw up his appointment and hastened to London, where he arrived in October, 1803, to find that what his friends had written to him concerning Colonel Fullarton had been no exaggeration.

No sooner was it known that he had arrived than the intelligence was communicated by one newspaper to its readers in the following refined and charitable language :—

“ The bloodstained Governor of Trinidad is in England, and the friends of humanity are preparing to bring him to the bar of offended Justice, there to expiate his crimes.”*

In another it was announced that :—

“ His Majesty’s Government was to institute an enquiry into the conduct of a late Governor, whose unheard of cruelties will harrow up the feelings and call forth the indignation of every sensitive and virtuous mind.”†

Nor was it long before the storm burst, of which these mutterings were the forerunners. In Hilary Term, 1804, and while the Privy Council was still investigating the charges made by Fullarton, the Grand Jury of Middlesex found a true bill against “ Thomas Picton, Esquire, sometime Governor and Commander-in-Chief over and in the Island of Trinidad in the West Indies, for misdemeanour, in causing the torture to be inflicted upon Luisa Calderon, a free mulatta, in the Island of Trinidad, aforesaid.”

Upon this the defendant put in an affidavit that “ it was necessary for his defence to obtain certain evidence from Trinidad, and that he prayed a *Mandamus* to examine the Hon. St. Hilaire Bégorrat, Esq., First Alcalde or Chief Magistrate of Port-of-Spain, Pedro Ruiz

* Memoirs of Picton, vol. i., p. 138.

† The result of that inquiry, which was conducted before the Privy Council, was a Report to His Majesty that there were no grounds whatever for further proceedings on any of the numerous charges brought forward by Mr. Fullarton against Colonel Picton.

of the same place, a Spanish trader, and several other material witnesses resident in the said Island, as to the laws and usages thereof, and as to the aforesaid proceedings against the said Luisa Calderon."

The prayer of the Petition was acceded to, and a *Mandamus* was issued "to the Governor or Lieut.-Governor of Trinidad, or in their absence to John Nihell, Esquire, the Chief Judge, to hold a Court Session or Meeting with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in the same indictment."

The writ of *Mandamus* was issued on 12th May, 1804, but some delay must have ensued, for in the return to it made by General Hislop, dated 7th September, 1805, and presented to the Court of King's Bench in Michaelmas Term that year, it appears that the first Court under it was held in Port-of-Spain on 6th December, 1804, seven months after it was issued at Westminster, and that the sittings were not closed until the 16th August of the following year.

The whole of the evidence taken before this Court is given in Howell's State Trials, (vol. xxx., pp. 231 to 450), and although far too voluminous for insertion, is well worth perusal.

In order, however, to place clearly before the reader the whole transaction to which it refers, it will be necessary to quote certain portions of that evidence, and also to narrate an occurrence which took place in Trinidad towards the end of the year 1801, just after Picton had been nominated to the government of the Island, as a reward for the "ability and zeal" he had shewn in administering its affairs as Captain-General.

At that time he lived in the house which had been used as an official residence by Governor Chacon. It was situated in the street now known as King Street, and near to the south-eastern corner of King and Charlotte Streets. In those days Marine Square and the houses and quays to the south of it did not exist, and where now a double avenue of stately trees affords a grateful shade from the burning rays of a tropical sun, there then stretched a long, low, muddy strand, dotted here and there with a few huts and hucksters' shops, but which was nevertheless named by the grandiloquent Spaniards the *Calle Marina*. Nearly opposite to the Governor's residence there was a

small shop owned by a Spaniard named Pedro Ruiz, who carried on a trade with the Main as an importer of cattle and mules, and who was also the contractor for the supply of fresh meat to the garrison. Being a hardworking, industrious man, he had amassed what was for a man in his position, a considerable sum of money, amounting to about \$2,000, which he kept in gold and silver coins, locked up in a trunk in his bedroom, situated immediately behind the shop. Unfortunately for him he had formed a connexion with a young girl called Maria Luisa Calderon, who was destined to enjoy at a future period a considerable amount of notoriety. She was the natural daughter of a manumitted female slave, who, in accordance with a custom common enough in those days, had assumed the name of Calderon (that being the surname of the man to whom she owed her freedom), but who had previously to that been known as Maria Nuñez, the latter name being that of her owner. When Luisa went to live with Ruiz she was very young, but her precise age at that time (1799) has always been a matter of dispute. Upon that question much of the subsequent proceedings turned, and as the whole of the evidence upon the point will be laid before the reader, there is no need to dwell upon it now. It is, however, essential to bear in mind that both her mother and Ruiz, when examined upon oath, stated that Luisa had cohabited with the latter as his wife from the commencement of the *liaison*, and that when pressed upon the point Ruiz emphasized his answers in a manner which could not be misunderstood.*

On the 7th of December, 1801, Ruiz went to St. Joseph to transact some of his business as contractor to the garrison, leaving his house in charge of the girl Luisa, and the shop in the care of his partner, one Pedro José Perez. He returned in the evening between six and seven o'clock, and on going into his room found that his trunk had been broken open and his money stolen. He also noticed that some of the boards forming the side wall had been forced away, apparently for the purpose of obtaining ingress to the room from a narrow alley running between it and the next house.

Ruiz, on making this discovery, ran to the Governor's house,

* Trial of Picton : Howell's State Trials.

which, as has been already stated, was almost immediately opposite to his shop. He there met General Picton, who was just returning from his usual afternoon walk, and at once acquainted him with his loss. Ruiz, from the first, appears to have suspected that the robbery had been committed by the girl Luisa in complicity with a young man named Carlos Gonzalez, with whom he had reason to believe she had been for some time past on terms of undue familiarity, and he communicated his suspicions to the Governor, who, after hearing all he had to say, ordered the immediate arrest of Luisa and her mother, of Carlos Gonzalez, and also of Ruiz's partner, Pedro José Perez. Having done this, he took no further steps in the matter, but remitted its further investigation, in the ordinary course, to the Alcalde of the First Election, or Senior Magistrate of the year, Mr. St. Hilaire Bégorrat, who, on the 22nd of the same month of December, began to take the evidence in the manner prescribed by the Spanish Law.

Several witnesses were examined by him, and from their statements it appeared, that about six o'clock in the evening of the day on which Ruiz declared he had been robbed, the accused, Carlos Gonzalez, was seen in close conversation with Luisa Calderon at the door of Ruiz's house. After talking with her for a short time he left her, and turned into the narrow alley which has been already mentioned as running between Ruiz's bedroom and the next house. A bedridden paralytic named Honoré Birot, living in the latter, declared, that—

“ On the 7th of December, about the hour of evening prayer (6, p.m.), he heard the passage door of Pedro Ruiz being opened, and about a quarter of an hour afterwards he heard blows as of the breaking open of a trunk.”

Having taken the depositions of the witnesses, Mr. Bégorrat went to the gaol to interrogate Luisa and the others who were accused with her of having committed the robbery.

To those persons who are only acquainted with the forms of the English Criminal Law this will naturally appear a strange and improper proceeding, but it was the course prescribed by the Spanish Law, which, it cannot be too often repeated, was, in 1801, the law of the Island. In accordance with the forms laid down to be observed

in such cases, Luisa was sworn and closely interrogated. She steadily denied any knowledge of the robbery which was alleged to have been committed upon Ruiz.

Mr. Bégorrat, satisfied in his own mind that she was wilfully concealing the truth, then took a step which at the time certainly caused neither surprise nor indignation, but which a few years later afforded an opportunity for the display of all the artifices of a base intrigue, and for most unscrupulous misrepresentation, by which the names of both Picton and himself were brought into prominent and disagreeable notoriety. Fully convinced not only that Gonzalez had committed the robbery, but that Luisa Calderon was his accomplice, he caused the following Minute to be entered upon the proceedings :—

“In consequence of the strong suspicions His Honour entertains that the mulatress, Luisa Calderon, a domestic of Pedro Ruiz, conceals the truth relative to the aforesaid robbery expressed in these proceedings, and His Honour being persuaded that she will discover the truth of the matter by means of a slight torment being inflicted on her the said Calderon, and whereas His Honour is not invested with power to execute the same, His Excellency the Governor and Captain-General of the Island must be made acquainted hereof, with the summary of this process, by virtue of this document, to the intent that His Excellency may determine, as may appear to him justice : the usual and requisite forms for that purpose are to be adopted and observed by the Notary in this cause ; and in pursuance hereof His Honour thus decreed and ordered, and he signed hereto, which I, the undersigned Notary, attest this day, the 22nd of December, 1801.

“BÉGORRAT.

“Before me,

“FRANCISCO DE CASTRO,

“Escribano.”

“Whereupon I, the said Notary, proceeded to the Tribunal of the said Governor and Captain-General of this Island ; and the usual forms having been observed, I made known to His Excellency the foregoing act, as also the summary, in conformity as decreed, which I attest.

“F. DE CASTRO.”

Immediately after this, there follows in the proceedings these words in French :—

“Appliquez la torture à Luisa Calderon.

“THOMAS PICTON.”

and then comes the usual certificate of the Notary that the above was the Decree made by the Governor, and that he had signed the same on the day mentioned.

Having thus obtained the sanction of the Superior Tribunal, *i.e.*, of the Governor as President of the Court of Royal Audience, and without which he could not act, Bégorrat proceeded to the infliction of the torture, and the manner in which this was done will be best explained by his own official report, which appears on the face of the proceedings :—

“And immediately, thereupon, and being in a room of the Public Prison of this said Port, His Honour the Judge, in the presence of me the Notary, for the purpose of putting in force the torment as ordered, administered an oath on God our Lord and on the sign of the Cross in due form to Luisa Calderon; and the same being done according to law, His Honour for the *first time*, admonished her to tell the truth relative to the persons who had been parties to the said robbery and in what manner the same was committed, for that otherwise the torment would be inflicted on her to which she had been condemned, and that in case she should sustain any injury, or should she die, the same must be on her own head, and not to be attributed to His Honour, who only endeavoured to investigate the truth; and she said and deposed as before; and His Honour again admonished her for the *second* and *third times*; when she answered that she did not know who were the delinquents who committed the robbery.

“Whereupon His Honour the said Judge ordered the said Luisa to be conveyed to the place appropriated to the said torment, where were present the Officers of Justice, José Flores and Rafael Chando, and there being a picket, with a rope hanging from the ceiling, being the instrument for executing the torture. On sight thereof the Judge admonished her for the last time to relate the truth, for that should she not comply, the said torture would be inflicted upon her, and would be on her own head, and could not be attributed to His Honour.

“And on the aforesaid being made known to her, she replied that she could not depose anything else than what she had done before.”

“Then His Honour ordered the said Officers of Justice to uphold and bind her, as till then she was in no way bound or fettered; and it being about half-past eleven o'clock, His Honour the Judge questioned the culprit as to what she knew of the robbery committed on Pedro Ruiz, in what manner it was perpetrated, and bidding her to speak the truth; to which she replied that she knew nothing more than she had said before; then the said Judge ordered the aforesaid officers to tie the said Luisa up by one hand perpendicularly, with one of her feet resting on a picket of wood, and to tie the other foot and hand together; in which posture the said Luisa cried, ‘Aï, Aï!’ repeating the same several times,

calling on God and the Holy Virgin, saying 'I do not know anything my Lord Judge; Most Holy Virgin assist me.'

"Then the said Judge ordered her to be suspended in such manner that her great toe touched, or rested on the said picket, and in this situation she remained, repeating her former expressions; then the said Judge ordered the rope to be drawn in such a manner that she should be suspended without her toe touching the said picket; at which time she desired them to loosen her and that she would relate the truth; and accordingly she confessed, that Carlos Gonzalez, who was carrying on an intrigue with her* in spite of her intimacy with Pedro Ruiz, had stolen the money from the said Ruiz; and that she knew, from having been an eye witness thereof. When she came a second time to the house of the said Pedro she opened the door with the key that she had; she then lighted a candle, and having heard blows as of breaking open a trunk, she returned further back, put out the light, locked the door, and concealed herself in the passage close to where Carlos had moved the said trunk, whom she also saw while he was taking out the sundry bags in which the money was contained, and which he carried off; and at the time that Carlos went away she concealed herself the more that he might not see her; that she does not know where the said Carlos had deposited the money; that he has not given any portion of the money to her, neither did he ever propose to her the committing of the said robbery; and on being reminded and questioned from what motive, when she saw Carlos committing the robbery, she did not cry out nor lodge an information to a magistrate, she answered that she did not know what she was to do; in like manner she was questioned whether Carlos ever had communication and entrance into the house of Pedro; she replied that she remembered that one day, about four or five months before, the said Carlos, towards night, came and entered the second room in the house of Pedro, and stood at the door of the said room wherein the robbery was committed: and said Carlos requested Pedro to change him some gold coins for pistareens; and Pedro, opening the trunk which has since been broken, and wherein he kept his money, took out a bag, and changed him the gold coin.

"And in procuring the said confession the said Luisa was about one hour upon the picket. The rope was then loosened, and she was released therefrom.

"II. BEGORRAT.

"All which I attest and His Honour signed hereto.

"Before me,

"FRANCISCO DE CASTRO, Escribano."

The Spanish law not only permitted but enjoined the infliction of torture to extort confession from an accused party, or testimony

* The wording of the original admits of no doubt as to the nature of the intrigue.

from an unwilling witness, but it was at the same time extremely cautious as to the evidence thus obtained, as is proved by the following extract from the *Curia Philippica*, part 3, sections 16 and 17 :—

“If the delinquent confesses the offence under torture, such confession must not stand good unless he voluntarily and spontaneously ratifies, at the expiration of a natural day of twenty-four hours, what he confessed under torture, and that in a room or place where no instruments of torture are found, and without his being tortured, and before the Judge, who, in order to obtain the ratification, is merely to ask and say to the delinquent, in presence of the Escribano, that he well knows he was tortured and what he said under the torture, and that he may now speak the truth without the torture ; the ratification being put down in writing according to law, because by the laws of the Partidas it is necessary to have a subsequent spontaneous ratification of every confession made under torture, and without such ratification it does not stand good, although at the Holy Office of the Inquisition the ratification of the confession made under torture is generally postponed until three days are elapsed in order that it may be better made without any painful sensation thereof.”*

In compliance therefore with this rule of law, at half-past eleven o'clock of the 24th December Mr. Bégorrat again went to the prison, when Luisa Calderon without any hesitation or coercion, ratified on oath the statement she had made the previous day.

So far everything had been done strictly in accordance with law, but the next step taken by Mr. Bégorrat was one not only of doubtful legality, but quite useless and unnecessary. Not satisfied with the evidence he had already obtained from her as to the guilt of Gonzalez, Mr. Bégorrat, as soon as Luisa had ratified the confession made under torture, again questioned her as to whether she had not been his accomplice in committing the robbery, and also urged her to confess where the money was concealed, and on her persisting in declaring her innocence of any complicity, and her ignorance of what had become of the money, he again placed her on the picket and kept her there—not indeed, as Fullarton alleged, until she “fell down in all appearance dead,” but until she “appeared to be about to faint”†—

* The last few lines of the law above quoted throw a curious side light on a much vexed question—the real nature of the Inquisition. From them it would appear that, theoretically at least, the Ecclesiastical Tribunal was more merciful, or at least more cautious, than the Lay Tribunals.

† Official Record.

when she was taken down, still adhering to her statement. It does not appear that Picton was consulted as to this second infliction of the torture, nor did his enemies ever pretend that he was even aware at the time of what was done, although they endeavoured to make him responsible for it.

On the 31st December Mr. Bégorrat's term of office as Alcalde expired, and the further investigation of the case passed into the hands of his successor, Don Francisco Farfan. By the provisions of the Spanish law "Defensores," or Counsel for their defence, were appointed by the Court to assist persons who, from poverty or other causes, were unable to obtain such assistance themselves, and this was done for Luisa Calderon when the matter came before the Alcalde Farfan. A long defence was put in by her "Defensor," Don Juan Bermudez. It was able and ingenious; but the only part of it to which it is necessary to refer is the conclusion, in which he called upon the Court to take into consideration, amongst other things, "her sex, her weakness, and above all, her age of *fourteen years*, a period devoid of experience or reflexion." He did not challenge the legality of the infliction of the torture, which most undoubtedly he would have done had he believed her to be *under* fourteen years of age, but he endeavoured to make her out as young as he could, so as to throw doubts upon the intrinsic value of her evidence.

A statement was also made on behalf of Gonzalez by his "Defensor," Don Antonio Alcala, who, alluding to the evidence given under the torture by Luisa Calderon, spoke of her "tender age, *not being as yet fifteen years old.*" It will be necessary to refer to these two statements again, but they are given here in their chronological order.

All the evidence having been heard that could be obtained, and the cause being, in what the Spanish law termed, "the stage of judgment," the following Decree was signed by the Alcalde Farfan:—

"On reference to these proceedings and whereas this cause is substantiated by Commission of His Excellency the Governor and Captain-General,* it must be transmitted to him by the hands of the Notary hereof, with due observance of all forms."

* This is the official translation, but it has no meaning; the true rendering must be "having been commenced by order of."

This was followed by the final Decree, signed by Picton on the 3rd of August, 1802, by which Gonzalez was sentenced to pay a fine of eighteen hundred hard dollars and the costs, to be kept at hard labour upon the public works until the fine should be paid, and then to be banished from the Island. Luisa Calderon was liberated, it being considered that she had "expiated her offence by the long imprisonment she had suffered."

Thus ended a case which was hardly a nine days' wonder at the time and which every one had forgotten until it was recalled to memory by Colonel Fullarton when impeaching Picton at the Council Board. From that day it was kept before the public for years, but previous to entering into the details of its revival and the means resorted to in order to give it an importance it did not originally possess, it will be well to direct attention to one or two points connected with it as it stood in 1801.

In the first place there was nothing extraordinary about the crime with which Gonzalez was charged. Robberies were then common enough, and if this one was reported to the Governor it was because, to use Ruiz's own words, "he was the nearest Magistrate at the time." It is also extremely probable that the unfortunate man regarded the all-powerful Governor as a *Deus ex Machinâ*, who had but to give an order and his money would be restored to him.

Fullarton, with the meaness which seems to have formed a leading trait in his character, sought to insinuate that Picton was under some pecuniary obligations to Ruiz, and therefore took great interest in the case; but this imputation, although not worth the trouble, was amply refuted at the time. As a matter of fact, Picton attached no importance to the affair, contenting himself with giving orders for the arrest of the suspected parties and then remitting the case to the ordinary tribunals.

Secondly, there was nothing unusual, or at all events extraordinary in the *conduct* of the case any more than in the case itself. Subsequently, when personal animosity, practising upon credulous philanthropy, sought to degrade Picton and make a martyred innocent of a girl of whom the less said the better, it was maintained that the practice of torture was unheard of in Trinidad and totally unknown

to the laws governing the Colony. It will be seen in due course what such an assertion is worth as a *fact*, but it must strike every one that, to say the least, it was improbable that an inferior Magistrate should have deliberately, and with due observance of all the forms of law, recommended a novel and illegal Decree to the Superior Tribunal for approval, which approval was given, and the whole of the proceedings recorded, without any protest or remark being made until long afterwards. It cannot be supposed that General Picton would have signed an order which on the face of it must have been to an Englishman a strange one, unless he was either well acquainted with the Spanish law himself, or had full confidence in the Magistrate by whom it was placed before him, and as he can scarcely be credited with having had either the time or the opportunity to make himself a Spanish lawyer, it is reasonable to conclude that he acted on the suggestion of the Alcalde. It becomes therefore of some consequence to ascertain what Mr. Bégorrat's opportunities had been of becoming acquainted with the law he administered.

The first entry in the Libro Becerro, or Book of Registry, in which, by the terms of the Cedula of 1783, all the new settlers were to be enrolled, is as follows :—

[TRANSLATION.]

“Don Hilaire Bégorrat, native of Martinique, came to this Island on the 22nd April, 1784, and was received as a colonist on the 5th September of the same year, having proved himself to be a Catholic and taken the oath of fidelity and vassalage, provided by His Majesty in the second article of his Royal Cedula of the 24th November, 1783, as is proved by the original proceedings deposited in the office of Don Luis Centeno.

“CHACON.

“Signed by the Governor, which I certify,

“Before me,

“LUIS CENTENO.”

From this document it appears that in December, 1801, Mr. Bégorrat had been seventeen years a resident in the Colony. The archives of the Cabildo show that he had filled several offices of trust under the Spanish Government, and when Picton received instructions

to summon his first Council, Bégorrat was one of those chosen to form it. An officer of rank who knew him at this period and had ample opportunities of judging, thus speaks of him:—

“Perhaps there is not a British Possession in all the West Indies that afforded two men of greater natural talents and of more experience than the Island of Trinidad—I mean Mr. Black and Mr. Bégorrat—with whom Colonel Picton consulted on all difficult occasions.”*

He was a man of ability and education, of great determination and energy of character, but by no means imbued with the new-fangled notions of liberty and equality, which he looked upon, especially in the Colonies, as subversive of all order and dangerous to the rights of property. He was thoroughly wedded to the colonial system in which he had been bred and educated, and had all the prejudices as well as the many good qualities which distinguished the old French planters. He was a man scrupulously honourable and straightforward in all his dealings, and it is therefore not to be wondered at that Picton should have been guided by him.

So much was he affected by the mention made by Colonel Fullarton of the severities practised under Picton’s Government, and especially by the allusion to the case of Luisa Calderon, that he asked and obtained permission from the Council, to make a statement on oath, for insertion upon the Minutes of the Board.

He prefaced that statement with these remarks:—

“ You will undoubtedly reflect, gentlemen, that in a process like this (of the robbery of Ruiz) as in many others, and in a country where French and English inhabitants are obliged to administer the laws written in a language different from their own, there may be some differences; and I will observe to you, gentlemen, that the same laws direct the Judges in their sentence, to take into consideration only the justice and real intention of the cause, and not to be stayed by any defect of formality which may have been an omission.”†

He then related the facts of the case and the different steps taken by him during its investigation, and thus continued:—

“I must observe to you, gentlemen, that this is the only instance in

* Colonel Draper : Address to the British Public, page 141.

† In support of this he quoted the *Recapitulacion de las leyes de Castilla*, Tomo Primo, Libro Quarto, Tit. 17, Ley 10, fo. 603.

which the torture* has been applied by me during the whole term of my Alcaldeship, where, under the immediate sanction of the Superior Tribunal, I have been under the painful necessity of condemning persons to death, to the pillory, and to be whipped.”

It is to be remarked that in no part of this statement does Bégorrat refer to the torture as anything *new*, but merely states that it was the only instance in which *he* had applied it; and it may fairly be supposed that, had its application been a novelty, not only would he have alluded to that fact, but Colonel Fullarton himself would have based his accusation upon the absence of any law authorizing the infliction of torture, and not upon the violation of the law (the existence of which he consequently recognized) by the torture being applied to a girl under fourteen years of age.

It is as well to mention that the severe sentences to which Bégorrat alluded and of which Colonel Fullarton had made the most when arraigning Picton, were passed by him as President of a Commission appointed by Picton in 1801 with special powers to investigate and adjudicate upon cases of poisoning both of human beings and of cattle, a crime which had become very common in the Island. This Commission sat for nearly a year, and about twenty negroes were tried by it and convicted as poisoners. Five were sentenced to death and executed, the remainder to corporal punishments, more or less severe, and to banishment.

As to the legality under the Spanish law of inflicting torture there can be no doubt; the question was argued out at length in Picton's case, and those who care to study it will find it fully reported in the State Trials. There is one little piece of evidence which was not mentioned at the time, but which is not without weight, especially against the last position which was taken by Picton's enemies, viz., that even if torture were legal it had fallen into complete desuetude, and that Picton, as a British Governor, had the discredit of having revived a cruel custom which his Spanish predecessors had virtually abolished.

* It is clear that torture to induce confession is here intended,

In the year 1791 a docket of fees* was published in Caracas for the guidance of the officers of the different tribunals throughout the Province, and this was promulgated in Trinidad by Chacon in 1792, and (be it remarked) was sanctioned by a Royal Order signed by the King of Spain.

In this docket will be seen ;

“ PHYSICIAN’S FEES.

“ For assisting in the infliction of the torture—
per hour 8 reals.

“ FEES TO THE EXECUTIONER.

“ For inflicting the torture 16 reals.”

The Decree for promulgation of this Docket is signed by Chacon and his Assessor, José Damian de Cuenca, and attested by Francisco de Castro, the same Escribano who assisted at the torture of Luisa Calderon.

* This docket remained in force until 1810, when some alterations were made by a Committee, composed of Messrs. Bégorrat, Black, Nihell, Gloster, and Portel, but the fees to the Physicians, Executioner, and others, for assisting at the infliction of the torture were still retained ; nor could this have been through inadvertence, for in each case the fees were considerably increased,





CHAPTER XVI.

THE robbery committed upon Pedro Ruiz had passed from the memory of all save those immediately interested, and probably would have never again been thought of, had it not been once more brought to notice in the course of the minute investigation of his predecessor's acts, which Colonel Fullarton thought fit to inaugurate.

At a subsequent period that gentleman denied in the very strongest terms, that he had ever, either directly or indirectly, made any such investigation, even going to the length of asserting that he "refused every communication which tended in any respect to reflect on the preceding Government:" but it is difficult to reconcile this statement with recorded facts and official documents.

One of the persons who during his residence in Trinidad, enjoyed a large share of the First Commissioner's confidence, was a certain Don Pedro Vargas, as to whom the little which can be ascertained from existing documents is not much to his credit. He was one of the witnesses called in the Court of King's Bench on behalf of the prosecution when Picton was tried, in 1806, for the assault on Luisa Calderon, and when cross-examined, was forced, very much against his will, to admit that he had assisted Colonel Fullarton in collecting evidence against the defendant, being then employed as interpreter by the First Commissioner, and, having graduated as a Spanish Lawyer acting also as his Assessor. The following extracts from affidavits which are inserted upon the Minutes of Council for June, 1803, throw a curious light upon the manner in which that evidence was procured, and serve to show how very far from the truth was Fullarton's assertion that he had in no way sought to enquire into the conduct of his predecessor.

One of these affidavits is that of a Spaniard named Juan Pla, detailing his examination as to all that had occurred in the Island from the capitulation to the arrival of the First Commissioner. Amongst other things it sets forth that—

“He (Pla) was sworn to secrecy by Colonel Fullarton himself, having with him Mr. Vargas, one Montes who was formerly a Spanish soldier, and another secretary, who he believed was Mr. Adderly.”

Another affidavit is by Don Francisco Salazar, a most respectable inhabitant of the Island, in which that gentleman declares, that having been summoned to attend the First Commissioner, he was conducted—

“To a private room, into which also entered Don Juan Montes and Don Pedro Vargas, and two other gentlemen in blue coats and red capes and collars, one of whom the deponent thought was the English Provost Marshal, Mr. Adderly; and being thus assembled, the Colonel (Fullarton) cut two slips of paper, which he placed with a wafer in the form of a cross on the back of a book and gave it to Pedro Vargas who swore deponent to declare the truth of such questions as should be asked him; that the said Vargas then acted as secretary, writing the Colonel’s questions and deponent’s answers.

* * * * *

“Don Pedro Vargas wrote out his (deponent’s) declaration and then required deponent to sign it, which he (deponent) refused to do until he had read it; that Montes urged him much, while telling the truth to tell more than he knew, seemingly with a design of criminating Governor Picton; that after he had signed, Vargas charged him not to reveal his having been examined to any one, for that the affair must be kept secret.”

This Juan Montes referred to in the affidavit was scarcely the man who should have been chosen by the First Commissioner as his confidential agent, unless indeed his object was to obtain any evidence, whether true or false, against Picton, in which case he could not have selected a more fitting tool. Montes had formerly been a sergeant in the Spanish army from which he passed himself off as a deserter, but by the old Spanish residents in the Colony this was looked upon as a mere cloak and subterfuge. They believed him to be a paid spy of the Captain-General of Caracas pretending to be a deserter to divert suspicion, and Picton it would seem shared in this

belief. In spite however, of the doubtful character borne by Montes, he was taken into confidential employment by Colonel Fullarton almost immediately after the arrival of the latter in the Island, and so rapidly did he succeed in ingratiating himself with his patron that when the office of Deputy Alguazil Mayor became vacant, Colonel Fullarton as Corregidor of the Cabildo, at once nominated him to the post. The Illustrious Board resisted this exercise of power, refusing to accept as one of their officers an individual whom they did not scruple to designate in their official remonstrance as "a degraded man," nor could Fullarton succeed in overcoming their objections, or in overawing them into compliance with his wishes.

It is not surprising, employing such agents as these, and conducting his enquiries after such a fashion, that Fullarton soon found himself possessed of a mass of evidence upon which to base his attacks upon his colleague and out of which he prepared the long list of charges he laid before the Council. This list included almost every variety of accusation, but seems to have been prepared chiefly with a view to lead up to and darken, the principal charge of all—the infliction of the torture upon Luisa Calderon.

It was not sufficient for the purpose of Fullarton and his accomplices to represent Picton in print as a sanguinary and bloodthirsty tyrant, perpetually gratifying his savage tastes by acts of atrocious cruelty. That might suffice to make his name detested by a portion of the reading public of Great Britain, but would not make him amenable to any Court of Law, so long as he was not proved to have exceeded the powers given to him by the Spanish law and the King's Commission. They therefore endeavoured to prove that he had not only acted with great cruelty, but also in violation of the law and in excess of his authority. Such a case they professed to have found in the torture inflicted by his order upon Luisa Calderon. Unless however it could be shewn that the girl, at the time that she was ordered to undergo that torture, had not attained her fourteenth year the Governor could not be accused of committing an illegal act. The law of Spain in certain cases not only permitted, but enjoined the application of torture, provided the person upon whom it was to be inflicted had arrived at that age. It was therefore necessary to prove that in

December, 1801, Luisa Calderon was not yet fourteen years old, and although a difficulty here presented itself it did not prove insurmountable.

The evidence taken in 1801-2 before the Alcaldes Bégorrat and Farfan went far to prove, that at that time, Luisa Calderon was over fourteen. When examined (in December, 1801) she declared herself to be "fourteen years old;" and her mother, who was examined in May, 1802, then stated that three years previously, in 1799, Ruiz had taken Luisa to live with him as his wife, and that as a matter of fact, they had cohabited at that period. In addition to all this, the details which came out in evidence at the enquiry into the robbery shewed beyond all possible doubt that in December, 1801, she was a woman and not a child. So far therefore, the weight of testimony was against the enemies of Picton; but of course such evidence as this would not avail against actual formal proof of the date of her birth, *and such proof was produced*. A baptismal certificate was obtained from the Parish Priest of Port-of-Spain, the Reverend Father Angeles, by which it appeared that Luisa Calderon had been born on the 25th August, 1788, so that on the 22nd December, 1801, the day upon which she was put to the torture, she was only thirteen years and four months old.

The history of this certificate, so far as it has been possible to trace it, will now be laid before the reader. The evidence for and against its authenticity is in some parts very conflicting and requires to be very carefully weighed, as it is of the utmost importance in studying the very extraordinary story of the relations between Picton and Fullarton; for if this certificate was a false one, and if it can be shewn that those who used it against the former were aware of that fact, then their whole conduct becomes stamped with the infamy of such a proceeding and would scarcely need any further comment.

The first piece of evidence affecting this document is to be found in the proceedings under the *Mandamus* issued from the Court of King's Bench on the 12th May, 1804, in obedience to which, evidence was taken in Trinidad, of which the following is a portion.

On the 17th January, 1805, Maria Calderon the mother of Luisa,

was examined before the Governor (General Hislop) by Mr. Hayes, a Barrister who appeared on behalf of the prosecution, with the following result:—

Q.—State the year and day of the birth of Luisa Calderon as correctly as you can?

A.—I do not rightly remember when she was born; but what I can say is, that she was born in the month of August, on St. Luis' day (25th) and that she was *ten years old when she was in prison.*

Q.—Was she more than ten years old when she was in prison?

A.—No; rather less than more.

Cross-examined by the Attorney-General:—

Q.—What is your age?

A.—Forty years.*

Q.—Was the date of your daughter's birth registered in any Parish?

A.—It cannot but be registered in the Church.

Q.—Did you ever see the register of your daughter's birth?

A.—*Don Pedro Vargas showed me a copy of the Register which had been given him by the Parish Priest.*†

Q.—Who is Don Pedro Vargas?

A.—He was the Interpreter to the Governor *who carried away my daughter.*

Q.—How old is your daughter to-day?

A.—Between fifteen and sixteen.

Q.—Before Luisa was sent to gaol was she not living with Pedro Ruiz as his mistress?

A.—Yes, on a promise of marriage.

Q.—Did they cohabit as man and wife?

A.—Yes; they lived together.

Q.—How long had they so cohabited before Luisa was charged with the robbery?

A.—*Two years and five months.*

Q.—As man and wife during the whole time?

A.—Yes, during the whole time.

Re-examined by Mr. Hayes:—

Q.—If your daughter was only ten years old when she was in prison

* When this witness was asked the same question by the Alcalde in 1802, she had answered "fifty-eight."

† This answer and some others have been italicized as bearing upon the question of the age of Luisa and also on Fullarton's connection with the certificate.

and only three years have elapsed since then, how can she be between fifteen and sixteen now ?

A.—No ; I said that Luisa had fourteen years.

Q.—Do you mean to say that Luisa was fourteen years old at the time of her imprisonment ?

A.—Yes ; not quite, going into it.*

Three months later, on the 17th April, the Parish Priest of Port-of-Spain, the Reverend José Maria de los Angeles, was called before the Court and questioned by Mr. Hayes :—

Q.—How long have you been Parish Priest of Port-of-Spain ?

A.—Since May, 1787. Since that date I have had the charge of the Baptismal Register of the Parish, and all the entries in it are in my handwriting. All the baptisms performed in the Church are not entered in the Register, because the parents or godfathers did not come to me for that purpose.†

(Register produced.)

Q.—Does this book contain the registry of the birth of Luisa Calderon ?

A.— Yes.

Upon his making this answer the witness was desired to shew the entry of that particular baptism. He first pointed out that on folio 59B of the book produced, and under date of September, 1788, there was a note or memorandum to the following effect :—“Luisa, vease fo. 89, No. 2.” (“For Luisa, refer to fo. 89, No. 2.”) He then turned to the said folio 89 and pointed out an entry, of which the following is the translation :—

“Luisa, an infant (natural child of Maria del Rosario Calderon, of Cariaco, in the Province of Cumana on the Spanish Main), born on the 25th August, 1788, was this day, the 14th September of the same year, solemnly baptized according to the rites and ceremonies of the Roman Ritual by Don Estevan Aneses y Aragon, Sacristan of the undersigned Military Chaplain and Parish Priest of the new settlers in the Island of Trinidad to Windward, as well as of the old settlers, by appointment of His Catholic Majesty. The baptism was performed in the Church of the Conception of Our Lady, the Parish Church of Port-of-Spain, the spon-

* Howell's State Trials, vol. xxx., p. 244.

† Howell's State Trials, vol. xxx., p. 267—*et infra*.

sors being Luisa Villegas and Juan Santiago Bacuba, free persons of colour, who were duly instructed as to the spiritual relationship and other obligations which they had contracted by that solemn act.

"All of which I certify.

(Sd.) "JOSE MARIA ANGELES."

Examination continued:—

Q.—Is the memorandum at fo. 89, "Luisa—vease," in your handwriting?

A.—Yes; it was not made at the time of Luisa's baptism, but two or three months after I believe. Not a year after.

Q.—Why was that memorandum inserted?

A.—Because the entry of the baptism ought to have been made in that place. The entry at fo. 89 (the entry of baptism) is in my handwriting and was made two or three months afterwards.

Mr. Attorney-General moved the Court that the Vicar-General, the Reverend Father Pedro Reyes Bravo, should be directed to inspect the Book of Registry produced by the witness, and then make a sworn statement to the Court as to the result of his inspection. To this Mr. Hayes objected, but the Court overruled his objection and the order was made as prayed for.

Examination of the witness resumed:—

Q.—Do you swear that the entry not having been made in its right place is attributable to the Sacristan's not having delivered his memorandum of baptisms to you in due time?

A.—Yes. I could not enter it before, because I had not the memorandum of it.

Q.—Where is the Sacristan, Don Aneses?

A.—He was at Angostura.

Q.—Have you his memorandum?

A.—No, it is lost; it was a little scrap of paper.

Cross-examined by the Attorney-General:—

Q.—When did Don Estevan y Aneses leave Trinidad?

A.—About a year or two before the Island was taken.

Q.—Have you given any certificate or transcript of the baptism of Luisa Calderon to herself or to any other person?

A.—I gave two I think, to *Don Juan Montes* and *her mother* when he went to London from this Island.

The Reverend José Reyes Bravo, the Vicar-General and Ecclesiastical Judge, was examined by the Attorney-General :—

Q.—What observations have you made upon the register of Luisa Calderon produced to the Court ?*

A.—The first observation is : The entry of Luisa Calderon's baptism certifies her to have been baptized on the 11th September, 1788, in fo. 89, after the *end* of the book entitled and signed as “the first book at the end of 1789.”

The second is : Between the first and second books of the same volume are found four pages which appear to have been left blank, either on purpose or to supply the omissions of the Priest. Twenty-eight entries, entitled “*partes extraviadas*,” are placed without order, and at the end of them is another note, signed, and calling attention to the above entries, a little below which is written the word “*Finis*.” There remain between this word and the commencement of the next volume two whole pages and a portion of a third ; and here are three more entries, the last of which is that of Luisa Calderon. After this entry, *contrary to the usual custom*, a page and-a-half are left in blank.

The third observation : That of the three entries, that of Luisa Calderon, *though anterior in date to the other two*, was without doubt the *last entered*, as appears by the ink.

The fourth : At the end of the said entry, after the signature of the Priest, Don José Maria Angeles, following the same line, is written, “*dado el certificado a ella*” (“the certificate given to *her*”). These words have a line drawn through them and do *not appear to be of more recent writing than the entry itself*.

The fifth : The ink with which was written the memorandum at fo. 59, “*Luisa—vease al, fo. 59,*” appears quite fresh.

The sixth : Among the entries made out of their proper places, which, including that of Luisa Calderon, amount to thirty-one, three are performed by the Sacristan Aneses.

The seventh : The memorandum of the baptism of Luisa Calderon, although it might have been mislaid, ought to have been entered by the Parish Priest, as soon as it was given in, in its proper place, and by no means where it is found, and cannot be considered as a valid entry, because made upon a blank page.

Therefore I consider the said entry as of no authority whatever and very suspicious. I also request permission to inspect the other Registers, and particularly the old book, for the purpose of making further investigation.

Cross-examined by Mr. Hayes :—

Q.—Has it ever happened with you that an entry of a baptism has

* Howell's State Trials, vol. xxx., p. 262—*et infra*.

been omitted and not made until some time after the performance of the ceremony ?

A.—Yes ; but I made the entry in the same book and in the same year, specifying that it belongs to such a year.

Q.—Supposing that you did not find it out until the year was ended, would you insert the registry at the end of the year, or in what part of the book ?

A.—If in the month of April I found a memorandum dated from the preceding year I would enter it on the very day I found it, and mention that it belonged to such a date. This is the rule laid down by the Church.

Q.—How long have you known the Reverend José Maria Angeles ?

A.—I believe from the year 1784, when I first arrived.

Q.—Do you believe him capable of having made the entry with any other view than that of repairing an omission of an entry which ought to have been made previously ?

A.—I never believed him to be a man of good faith from the first day I saw him.

Q.—Have you had any personal difference with him ?

A.—Never.

Q.—Upon what do you found your opinion that he is not a man of good faith ?

A.—Because he has not been obedient to his superiors, and has not fulfilled the duties of his ministry.

On the 22nd of July the Vicar-General produced the following statement, which he swore to, and it was then filed :—

“ Examination and Report made on oath relative to the Registers delivered by the Parish Priest, Don José Maria Angeles, to the Court of Sesaion, by Don Pedro José Reyes Bravo, the Vicar-General and Ecclesiastical Judge, having jurisdiction for that purpose.

“ *Observation first.*—The Parish Priest, Don José Maria Angeles, has delivered to the Court the first Book of Register kept by him from the year 1784 :

“ This Book is styled Volume I., and is divided into two parts, called Book I. and Book II.

“ *Second.*—On the first page of Book I. is written in the handwriting of Father Angeles these words :

“ This book contains in all eighty-eight leaves for use to be written on, without including this one and the last, which is to have written

upon it the certificate of its completion, each leaf being marked numerically, as may be seen on reference to the book.

*“Third—*At the end of December, in the year 1789, which reaches to the end of fo. 88, is further written in Father Angeles’ hand *“Finis.”*

*“Fourth.—*There are written on the 89th leaf or fo. 89, which had remained as a blank leaf intended for the certificate, two entries of baptisms in the handwriting of Father Angeles; the first thereof written with ink of an old appearance; the second, which is that of Luisa, is written with ink of more and very modern appearance; and the figures 89 to mark the folio are written with the same ink as the entry.

*“Fifth.—*It is to be observed that at fo. 88 of Book I. and at the end of December, 1789, there is inserted the word ‘Finis,’ which means conclusion of Book I., and afterwards there is a baptismal entry inserted by Father Angeles with the ink of old date, and *between* the word ‘Finis’ and this entry are interlined the words “entries omitted,” *written with fresh ink.*

*“Sixth.—*At the end of the baptismal entry inserted on the blank leaf 89 are the following words in the writing of Father Angeles: “certificate given to her,” which words have been since struck out, but they can be distinctly read. It is to be observed that the said certificate could not have been given to Luisa on the day of her baptism by Father Angeles; for the entry states the ceremony to have been performed by Father Aneses, the Curate; neither could he have given it at the end of the year 1789 when he said it was noted or entered in the Register; for it is manifest that a child of about sixteen months old had not the means or power to require it; and it is also observable that there is no other baptismal entry among all those entered in the Register with these words inserted at the end.

*“Seventh.—*The baptismal entry of Luisa inserted in the Register by Father Angeles states her to have been born on the 25th August, 1788, and that she was baptized by Father Aneses, at that time Chief Assistant Curate in the Church, on the 11th September the same year,

*“Eighth.—*At fo. 59 of the Register, and at the exact period of September, 1788, there is a note in the writing of Father Angeles and written with the same fresh ink as the entry of Luisa Calderon at fo. 89, which note says, ‘Luisa: see fo. 89.’

*“Ninth.—*At the end of December, 1789, which is also the end of Book I. of the Register, there are also in the handwriting of Father Angeles twenty-eight entries of baptism under the heading of “entries omitted,” which entries are written with ink of long date although the heading is written with fresh ink; and immediately succeeding the said entries is the word ‘Finis.’

(The tenth and eleventh observations are irrelevant, merely stating the number of baptisms performed).

*“Twelfth.—*At the end of December, 1788, at fo. 64 of the first

Book of the Register, there is a recapitulation in the handwriting of Father Angeles, which says that the baptisms solemnized in the course of the year 1788 amounted in number to 264.

"This indicates that at the end of the year, previous to making any entries for the new year, he inspected the Register; and it is natural to conclude that previous to closing the year by such recapitulation this was the time when he would insert in the Register the baptismal entries that had been omitted during the year.

"*Thirteenth.*—The first Register delivered to the Court by Father Angeles and in which is found the entry concerning Luisa Calderon commences in the year 1784 and extends to the end of July, 1795. This Register appears to have been unsewn and taken to pieces, for from the size of the outside cover or binding, a deficiency is evident. This circumstance, in addition to what has already been stated, determined me to apply to the Court to order that Father Angeles should be ordered to deliver to me the remainder of the Register, from August, 1795, until now, as also the Register of the old colonists who in 1787 were united in one Parish with the new settlers. He avoided complying with this order until a few days ago, when, in lieu of the Register required, he only sent those of the old colonists, and five sewn books of notes of baptisms subsequent to the year 1799 till May, 1805, which were examined in Court in the presence of Father Angeles on 12th May last.

"*Fourteenth.*—Father José Maria Angeles, being again commanded by the Court to find and deliver up the continuation of the Register from August, 1795, has declared his readiness to swear that he had not in his possession any other Registers than those he had delivered, and that the insects had eaten the sewn books which formed the continuation of the Register.

"*Fifteenth.*—On his being again ordered to declare the truth and to deliver up the continuation of the Register as had been required of him, after much hesitation and difficulty he went home in search of the new Register which he has exhibited to the Court and which begins on 1st January, 1801. I have to remark that his first Register commences in 1784 and is headed Vol. I., and that the latter which he has produced, commencing 1st January, 1801, is headed Vol. II. This proves beyond a doubt that the entries from 1st August, 1794, to 31st December, 1800, were in Vol. I., where they are no longer to be found, and must have been cut out or otherwise extracted, it not being possible that insects should have eaten away the Registers of five years without leaving some small scraps or remnants.

"*Sixteenth.*—With reference to the assertion of Father Angeles that there does not exist in his possession any other Register than those he has delivered, and the sewn sheets of memorandums, I have remarked to him before the Court that there is not to be found either in the Registers or in the sewn sheets of memorandums the original entry of a baptism of which I obtained a certified copy dated 24th May, 1799, which certified copy was given by him and duly authenticated by his signature, which proves the existence of the continuance of the Register from 1795 until 1800.

“Seventeenth.—Father Angeles has produced five sewn books of memorandums dated from the commencement of 1789 until May, 1805; this proves that he regularly entered the baptisms performed in his Parish during that period, and as his Register commences in 1784 he ought to be able to produce similar books of memorandums from 1784 until 1788, but instead of doing so he denied their existence.

“Eighteenth.—At the instance of the counsel for the prosecution the Court ordered me to produce in the Court, as Parish Priest for Arima and St. Joseph, the Registers kept by me for those Parishes.

“I presented them to the Court on the 12th May, together with those kept by my predecessors, and have to observe with regard to them that the years follow each other regularly, without any intermission of blank leaves between the end of one year and the beginning of another, it being contrary to usage, custom, and good faith, for any blank space to be left in Registers without they are filled up with lines to indicate that the same had happened through inadvertence and to prevent any improper use of the said blank spaces, as has been done by Father Angeles in several of the blank spaces in the Registers, except the one of which he has availed himself for the insertion of the baptism of Luisa.

“Nineteenth.—It is to be further observed that by a strict examination of the memorandum book that was delivered by the Reverend Father Angeles to the date of May, 1805, it is evident that the ink that was made use of in July, 1803, at which time Luisa Calderon left for London, is the same that was used to make the entry of her baptism on the blank leaf of fo. 89 in the Register at the end of the year 1789, which leaves no doubt that the whole was contrived at the time.

“Twentieth.—At this stage of my observations relative to the above-mentioned Register and memorandum books, I thought it proper to make a general examination of the Register of the people of colour (old settlers), from a combination of circumstances which had struck me; such as the appearance of Luisa herself, and the ages of other persons who had assured me that they were her contemporaries. I searched through the years preceding 1788, and I discovered that in the year 1786, at fo. 158, there was the entry of a female infant named Luisa Antonia, daughter of Maria Nuñez, born, as expressed in the said entry, on the 25th day of August, 1786, the sponsors being Juan Santiago and Luisa Antonia. I assure Your Excellency that my discovery of this entry caused me extraordinary emotion; for, excepting the surnames, Nuñez and Calderon, which were different, this solemnization of the baptism in 1786 by the Reverend Father Antonio Alvarado agrees in every respect with the entry on the blank fo. 89; for which reason, and being certain that among the old Spaniards of Port-of-Spain there never were any with the surname of Nuñez, and that this name does exist in Cariaco, it occurred to me that perhaps this same Maria Calderon might formerly have called herself Maria Nuñez; and such I discovered to have been the case, the said Maria having been born in Cariaco, being the daughter of Dominga Nuñez, the female slave of Don Francisco Henrique Nuñez

and Doña Juana Acosta; that she took the surname of Calderon from a man of that name who had obtained her liberty, and that she was always known in Cariaco as Maria Nuñez Calderon; this narrative I received from Maria del Rosario Zapata, a native of Cariaco, in presence of Don José Francisco Farfan, the day previous to her embarkation for her own country.

“ Conclusion.—Your Excellency having in Court directed me, in my quality as Ecclesiastical Judge and Superior to Don José Maria Angeles, to minutely inspect the Registers and memorandum produced by him, I have fulfilled with the greatest exactness the commission conferred on me according to the oath I have taken, and in conclusion I declare that the certificate of the baptism of Luisa Calderon inserted at fo. 89 of the Register by Father Angeles is false and of no validity; and that the entry found in the Register of the old settlers ought to be considered as the true one, unless Father Angeles, who as Parish Priest ought to have a knowledge of his parishioners, should bring forward persons who themselves may prove circumstances to establish the said entry; and I sign hereto, in the city of San José de Oruña, on the 21st day of May, 1805.

“ PEDRO JOSE REYES BRAVO.

“ Sworn to before me in Court,

“ T. HISLOR, Lieut.-Governor.

“ July 22nd, 1805.”

Juan Santiago, being called and examined by the Attorney-General, proved that he was the godfather of Luisa Calderon and knew her mother.

Cross-examined by Mr. Hayes :—

Q.—Do you know Luisa Antonia, a daughter of Maria Calderon ?

A.—No.

Q.—Are you sure that you never stood godfather on the 25th August, 1786, to a girl of that name ?

A.—*I never stood godfather to any other child but Luisa Calderon ?*

By the Attorney-General :—

Q.—Who was the godmother with you at the baptism of Luisa Calderon ?

A.—Luisa Villegas.

Maria Calderon, being recalled, was examined by the Attorney-General :—

Q.—Were you born a slave ?

A.—No, I was born free.

Q.—What was your mother's name?

A.—Dominga Nuñez.

Q.—Was your mother a slave?

A.—No, my mother is free.

Q.—Were you born in wedlock?

A.—No; I am called Calderon because my father who was of that name was going to marry my mother, but it was broken off.

Q.—Who baptized your daughter Luisa?

A.—Father Aneses.

The following entry made on page 158 of the Baptismal Register of the old settlers was read to the witness:—

[TRANSLATION.]

"Luisa Antonia, an infant. I, José Antonio Alvarado, Assistant Curate of the Parish of Port-of-Spain, certify that on the 6th day of September, 1786, I solemnly baptized in the Parish Church Luisa Antonia, then eleven days old, the daughter of Maria Nuñez, a free coloured woman; the sponsors were Juan Santiago and Luisa Antonia, whom I admonished as to their spiritual relationship and obligations. All which I certify.

"FR. JOSE ANTONIO ALVARADO.

The witness thereupon said that Father Alvarado could not have made such a declaration.

Examination continued:—

Q.—Were not Juan Santiago and Luisa Antonia the sponsors of your daughter Luisa?

A.—Yes: Luisa Antonia is the name of Luisa Villegas.

Q.—Was not Luisa Calderon christened Luisa Antonia after her godmother?

A.—Yes; she was so christened.

On the 12th August, 1805, Mr. Abraham Pinto was called and examined by the Attorney-General:—

Q.—Do you know the girl Luisa Calderon?

A.—I know the girl Luisa who was imprisoned on account of the robbery of Pedro Ruiz.

Q.—Do you know her age?

A.—I suppose she is about the age of my son, who will be nineteen on the 19th of this month.

Q.—From what do you form your opinion? Where did you first see her?

A.—In my own house; she was at school with a Mrs. Hasleton, now Mrs. Salazar; I saw her every day when she was in her mother's arms in the year 1786, about the months of September, October and November, when she was a sucking child. My son was born in 1786. I produce the certificate of his baptism:—

“CERTIFICATE.

“I certify in the best possible manner, and that may have weight in law, that in the Register of Baptisms solemnized by my predecessor in the Parish Church of Port-of-Spain there is an entry at fo. 26, and numbered 3, the tenour of which, faithfully transcribed, is as follows:—

“On the 23rd day of August, in the year 1786, I, Father José Antonio Alvarado, Assistant Curate of the Parish Church of Port-of-Spain, do certify that in the said Parish Church I solemnly baptized Santiago, ten days old, the son of Doña Maria Ignacia Ravelo: the sponsors were Don Luis Centeno de Brito and Doña Bernardo Joaquina Yro, to whom I explained their obligations and spiritual relationship; and I attest the same.

“JOSE ANTONIO ALVARADO.

“The foregoing is conformable to the original,

“JOSE MARIA ANGELES.

“Port-of-Spain, 16th August, 1800.”

Señor Cayetano Guevara called and examined by the Attorney-General:—

Q.—When did you settle in this Island?

A.—At the latter end of 1786.

Q.—Did you know Luisa, the daughter of Maria Calderon?

A.—I knew Luisa, but did not know she was called Calderon; she was a little, little thing when I arrived.

Q.—What was her mother's name?

A.—I have heard her called Maria Cariaco.

Cross-examined by Mr. Hayes:—

Q.—Will you swear positively that the same little child you saw in the year 1786 is the same person who was imprisoned for the robbery of Pedro Ruiz?

A.—Yes; I know her, and I swear that it is the same.

On the 16th of August the Vicar-General produced to the Court

the following sworn certificate with reference to the Baptismal Register of 1786 :—

“ Certificate of the Beneficed Priest, Don Pedro José Reyes Bravo, Proprietary Priest of Sta. Rosa of Arima, Parish Priest *ad interim* of the city of San José de Oruña and Vicar-General of the Island, &c., &c.

“ I certify, at the request of His Excellency Brigadier-General Don Thomas Hislop, President of the Court of Session, under date of the 22nd July, 1805, that in one of the Parish books of Port-of-Spain delivered by Don José Maria Angeles, bound in yellow parchment, wherein are inserted the entries of the baptism of the free people of colour, is found the following at fo. 158 :—

“ On the 6th day of September, 1786, I, Father José Antonio Alvarado, Assistant Curate of the Parish Church of Port-of-Spain, do certify that in the said Parish Church I solemnly baptized Luisa Antonia, twelve days old, daughter of Maria Nuñez, a free mulatress; the godfather and godmother were Juan Santiago and Luisa Antonia; to whom I explained their spiritual relationship and obligations, and I hereby attest the same,

“ JOSE ANTONIO ALVARADO.

“ The foregoing is an exact copy of the original, and I thereto refer from whence I extracted it, and I have compared it; the same is true and exact; the entry is throughout in the same handwriting and in ink of one colour: it is to be observed that where the words ‘Luisa Antonia’ occur, there appears to have been something scratched out, beginning at ‘Luisa’ and ending at ‘Anto;’ and on the place where the scratching out appears is written in the same handwriting and the same ink the words ‘Luisa Anto’ finishing that line, and commencing the next with ‘nia’ so as to complete the whole name of Luisa Antonia; and furthermore in the margin is inserted the name of ‘Luisa Calderon, female infant,’ in the same handwriting and ink; and in the other margin the names of the godfather and godmother, Juan Santiago and Luisa Antonia, which is the usual mode and custom of inserting the entries in the Parish Registers of Baptisms; and I sign the above in Port-of-Spain on this 22nd day of July, 1805.

“ PEDRO JOSE REYES BRAVO.

“ Sworn to before me, that the above is a true extract taken by him, the Vicar-General, Pedro José Reyes Bravo, from the Book of Baptismal Register of the old inhabitants of this Island of Trinidad, in Port-of-Spain, under the care of Father Angeles. In Court, 16th August, 1805.

“ T. HISLOP,
“ Lieut.-Governor.”

The foregoing is an epitome of the evidence given before the Court of Session under the authority of the *Mandamus*, so far as the

age of the girl Luisa Calderon was concerned, and no impartial person after reading it, can come to any other conclusion than that at which the Vicar-General arrived, viz., that the entry of 1786 was the correct one, and therefore that in December, 1801, instead of being under fourteen, she was considerably over fifteen.

That this was the effect the evidence produced upon the minds of men specially trained to weigh evidence was subsequently made quite clear. In 1807, when the motion for a new trial was being urged on behalf of General Picton, the verdict having been against him in the first instance, some portions of the evidence of Maria Calderon the mother of Luisa were read, Lord Ellenborough, the presiding Judge, said:—

“The question as to the girl’s age is quite out of the case. Upon the face of all the evidence, it appears clearly and decisively that she was born in 1786, consequently in 1800 she was fourteen years of age, and in 1801 must have been above the age of puberty. The evidence puts that point out of the case.”

But unfortunately this is not all to which the evidence points.

That a gross fraud was committed, and committed wilfully, is fully proved. If we believe with Lord Ellenborough that the certificate of 1786 was true, then we must believe that of 1788 to be false; and if false, who was the author of it?

Had it been produced after the death, or even during the absence of Father Angeles, it might have been said that it was the act of some one else, or that he had been imposed upon; but he produced it himself, acknowledged it to be in his handwriting, swore to its correctness, and in fact identified himself with it in every possible way.

As may be supposed, this was not allowed to pass unnoticed. In September 1806, a Petition was presented to the Governor and Council by Mr. Bégorrat on behalf of General Picton, in which the General charged Father Angeles with the crimes of forgery and perjury, and prayed that he should be dealt with criminally. After some discussion a Committee was appointed to enquire and report as to whether it was competent for any of the tribunals then existing in the Colony to deal with such a case. The Committee reported that in their opinion the Vicar-General and Ecclesiastical Judge had full

jurisdiction, but that as Father Angeles had raised an objection on the ground that the Vicar-General was his personal enemy, they suggested that the Priests of the different Parishes should form an Ecclesiastical Court to be presided over by the Vicar-General, which Court should then meet with the Governor and Council and form a special tribunal for the occasion.

This somewhat extraordinary proposal met with the approval of every one at the Board, except Nihell who seems to have thought—and quite rightly—that neither the Ecclesiastical nor the Civil law authorized such a blending of the two jurisdictions. The Vicar-General, however, made no objection (there is no record as to whether he consulted his Bishop), and this novel Court of High Commission appears to have met from time to time, though unfortunately there are but scanty records extant of its proceedings.

There was a meeting held on 21st November, 1806, on which occasion Mr. Bégorrat brought forward an old lady named Doña Inez Josefa Nuñez to prove that Maria Calderon had sworn falsely when she said she was not born a slave, which was further proved to have been the case by the evidence of another lady, Doña Maria Catalina de Betancourt. This did not in any way compromise Father Angeles—and nothing seems to have been done affecting him until the ensuing month of December.

On the 11th of that month the following Decree was made by the Ecclesiastical Court:—

[TRANSLATION.]

“ Council Room,

“ 11th December, 1806.

“ The Vicar-General and Ecclesiastical Judge and his Assessors, viz., the Reverend Manuel Antonio Bellorin, Don Manuel Diaz and Reverend Francisco de Fortaneta met this day to assist at the interrogation of the Reverend José Maria Angeles, which was to be held before that Court and the Council; he the said José Maria Angeles, Acting Parish Priest of Port-of-Spain, refused to plead before the said Court on the ground that the Vicar and his Assistants had no Ecclesiastical jurisdiction; the said jurisdiction having terminated, so far as they and the Bishop of Guayana were concerned, at the Peace of Amiens, and having become transferred to the Propoganda and to the Vicar-Apostolic in London.

"The consideration of this objection on the part of Father Angeles (which objection is manifestly untenable) is referred to His Excellency the Governor and the Honourable Board of Council. Thus was it ordered and decreed by the undersigned Vicar-General and his Assistants.

"PEDRO JOSE REYES BRAVO.

"MANUEL ANTONIO BELLORIN.

"MANUEL DIAZ.

"E. FRANCISCO DE FORTANETA.

"Before me,

"PEDRO YRADI,

"Notary Public."

What the Council decided, or whether they thought it better not to give any opinion upon the view of Church government thus set up by Father Angeles, does not appear; indeed, the document just quoted is not to be found in the Minutes of Council, and would probably have been lost sight of altogether had it not been reproduced in a pamphlet which appeared in Trinidad some few years after the events just narrated.*

The writer of this pamphlet cites another most important document, which appears to be authentic; but as he does not state the source from which he obtained it, it is simply reproduced here with his own remarks upon it. The pamphlet is in French, and at page 56 we read:—

"Le Père Angeles avait chassé le Père Aneses de Aragon de sa place de Sacristain Mayor de l'Eglise de Port-d'Espagne; ce dernier s'en plaignit à leur Supérieur commun, le Vicaire-General et Surintendant de l'Evêque du Diocèse, le Reverend Père Andres Antonio Callejon, residant à Cumana, qui ordonna, par sentence de tribunal ecclesiastique, en date de 20 Août, 1788, que le Père Aneses fût réintégré, par le Père Angeles, dans sa place. La sentence fût envoyé au Reverend Père Santa Ella, Curé de St. Joseph et Vicaire forain de cette Colonie, pour être mise à exécution.

"En conséquence de cette sentence, le décret suivant fût rendu par le Père Santa Ella:

"Au Port-d'Espagne ce douze de Septembre, 1788, Don Francisco Antonio de Santa Ella, Curé de la Paroisse de San José de Oruña, Vicaire interim de cette Ile, à dit:

* There may be some complete copies of this pamphlet in existence, but I have only had the good fortune to obtain fragments of it, which were placed at my disposal by Mr. Gustave Borde, for which kindness, amongst many others of a like nature, I beg to tender him my best thanks.—AUTHOR.

“ Qu’il sera immédiatement notifié à M. le Curé de Port-d’Espagne, Don José Maria Angeles, d’avoir à remettre, dans le jour, sous inventaire formel, à Don Estevan Aneses, Sacristain Mayor de cette Paroisse, tous les effets, bijoux, clefs de la Tour où sont les cloches et autres ustensiles appartenants au Sacristain Mayor, et que doit soigner et garder le dit Prêtre Aneses, à qui le present décret sera également notifié, afin qu’il puisse se trouver à l’heure qu’indiquera le dit Père Angeles, pour la remise qui lui est ordonnée, par devant le present Notaire ; lequel devra observer toutes les formalités de droit, et effectuer la diligence en présence de témoins, habitants de bonne vie et mœurs ; et le tout évacué, en rapporter les actes au tribunal, pour décréter ce qui conviendra.

“ SANTA ELLA.

“ Ainsi l’a décrété et ordonné Votre Honeur, le même jour et an que ci-dessus, et a signé, avec moi, le present Notaire. De quoi je donne foi.

“ Par devant moi,

“ BENITO LUCIA DE GONZALEZ,

“ Notaire Publique.”

“ NOTIFICATION.

“ En continuant, j’ai passé à la maison où demeure le Père Curé, Don José Maria Angeles, à qui j’ai lu l’acte antérieur ; informé de son contenu, il a dit : ‘ Que pour faire l’inventaire, il était nécessaire de quelque temps, mais qu’il était prêt à le commencer quand M. le Vicaire le voudrait, de même qu’à remettre les clefs de l’Eglise à Don Estevan Aneses, Sacristain Mayor, et pour cet effet il désignait quatre heures de l’après midi de ce même jour (12 de Septembre). De quoi je donne foi.’

“ DE GONZALEZ,

“ Notaire Publique.”

“ De suite j’ai passé à la demeure du Père Estevan Aneses, Sacristain Mayor de la Paroisse de Port-d’Espagne, à qui j’ai lu l’acte antérieur, et la diligence qui suit ; et l’ai cité pour l’heure indiquée. De quoi je donne foi.

“ DE GONZALEZ,

“ Notaire Publique.”

“ Dans le dit jour et an que dessus (12 Septembre, 1788), le Notaire soussigné, assisté de Don Casimir de las Cuevas, et de Don Cornelio Yancé, a passé à l’Eglise paroissiale de ce Port, où se trouvait le Père José Maria Angeles, Curé des anciens et nouveaux colons, le Père Estevan Aneses, Sacristain Mayor, &c., et en ma presence et celles des témoins ci-dessus en execution de ce qui est ordonné dans l’acte antécédent, et de la dépêche supérieure qui le motive ; le premier a remis au dernier toutes

les clefs intérieures, ainsi que la cire de l'usage journalier, dont il a été mis en possession réelle et vraie, se donnant pour réintégré et satisfait, pour le présent, de tout ce qu'il à reçu provisoirement par forme d'inventaire; et a passé en conséquence à son pouvoir tous les effets et ustensiles appartenants à la dite paroisse. Et afin qu'il soit constaté en droit de l'usage de ma commission, je l'ai accredité par cette diligence, qu'ont signée les dits prêtres et témoins. De quoi je donne foi.

"JOSE MARIA ANGELES.

"ESTEVAN ANESES.

"CASIMIR DE LAS CUEVAS.

"JOSE CORNELIO YANCE.

"Par devant moi,

"BENITO LUCIA DE GONZALEZ."

After citing these documents the author of the pamphlet continues :—

"Nous avons cru devoir omettre de publier la censure amère que contient la sentence du Tribunal Ecclésiastique du Cumana sur la conduite du Curé Angeles, dans l'exercice de son ministère, comme chose absolument étrangère à l'extrait du baptême de Louise; et nous observerons seulement, que si le Sacristain Mayor Aneses, n'a été réintégré que le 12 Septembre, 1788, à quatre heures de l'après midi, dans les fonctions de Sacristain; et qu'enfin s'il n'a eu les clefs de l'Eglise que ce jour là, il n'a pu baptiser, le 11, Luisa Calderon, de l'ordre du Père Angeles, comme il l'a dit dans ses déclarations à la Cour de Session, et dans son extrait de baptême, folio 89, de son registre."

There is one more record of the proceedings of this Court of mixed Civil and Ecclesiastical Jurisdiction, which is to be found in the Minutes of Council for the 7th May, 1806, and which is as follows :—

"The Ecclesiastical Vicar produced the Register that had been taken from the Priest Angeles, and pointed out the true entry made in 1786 by the Priest Alvarado, of the baptism of Luisa Calderon, and also the false one inserted by Father Angeles in 1788, and these, having been marked by the Governor to prevent their being tampered with, were returned."

After this nothing further appears upon any public records which are at present known to exist, but the following extract from the

* In the margin of each certificate the Governor, with his own hand, wrote the words, "ne varietur.—TH. HISLOP."

Will of Father Angeles (who died in 1810 leaving a considerable amount of property both in land and money) indicates clearly enough the result of the investigation so far as his Ecclesiastical position was affected :—

[TRANSLATION.]

“I declare before that God in whose presence, judging from the serious nature of my disease, I am likely soon to find myself, that I accuse myself of nothing ; nor in anything which I may have done in the exercise of my functions as Parish Priest of Port-of-Spain, during a period of twenty-two years, does my conscience accuse me of having acted with the intention, directly or indirectly, of injuring any one ; and therefore I repel the calumny which has been spread about by my enemies with the view of destroying my reputation as a Priest, throwing doubts upon my honour and defaming my character, and the result of which, although I was not allowed a sight of the proceedings nor to be heard in my defence, has been my *suspension from office and loss of the revenues of my Parish.*

“Therefore I charge my executors and entreat all honourable and just persons among my parishioners to do all in their power to clear me and prove me to be innocent of this accusation : not that by this declaration it is to be understood that I desire to avenge myself upon my enemies, for on the contrary from this moment I forgive them all the harm they have done me ; and I pray the Lord to have mercy upon them and upon me.”

This protest, made at so solemn a moment, deserves the most serious consideration. It is difficult to believe that any one, especially a minister of religion, could be deliberately guilty of falsehood in his dying moments ; but on the other hand the evidence of the guilt of Father Angeles is so overwhelming that it seems impossible to acquit him.

It is somewhat strange and at the same time not without significance that the result of the investigation held by the Vicar-General in 1805, which by his own account forcibly impressed *him*, does not seem to have at all surprised Picton if we are to judge from the following letter he addressed to his friend, Mr. Bégorrat :—

“ London,

“ 18th September, 1805.

“ My Dear Sir,—I have just received through the medium of Mr. Farfan, forwarded from New York by Mr. Black, your duplicate of the 16th May, enclosing the Vicar-General’s report on the Padre Angeles’ forgery.

“Being well acquainted with the wretch’s total want of religion, morality and common principles of honesty, I am not in the slightest degree surprised at his conduct. A bad Priest is the worst of all bad men. I do not know how sufficiently to thank you for your great zeal and the indefatigable exertions you have employed in my affairs, and I have to request that you will assure the Vicar-General Padre Reyes, Messrs. Farfan and St. Pé, of my great sensibility of their disinterested and friendly attention during the whole time of this infamous attack upon me. . . . If you recollect, Luisa Calderon’s mother declared that the copy of the registration was first shewn her by Pedro Vargas previous to her daughter leaving the Island with Fullarton; there can therefore be no doubt that the forgery was concocted at that time by that renegade and Padre Angeles, incited by Fullarton; at least, the evidence points to that conclusion. . . .

“Yours very faithfully,

“TH. PICTON.”

That under the circumstances Picton should have written in angry terms of Father Angeles is only what might be expected, but it would appear by the above letter that he had formed (rightly or wrongly) a bad opinion of him at a period antecedent to the case immediately in question.

It seems clear that Vargas was the immediate agent in the procuring of the certificate from the evidence taken under the Mandamus, and this is confirmed in the following passage from an affidavit made by Mrs. Fullarton in the course of an action for libel brought by her against Colonel Draper on behalf of her husband after the death of the latter in 1809.

In that affidavit she deposed, *inter alia*, that she had been—

“Informed by Mr. Pedro Vargas, deceased, that he, having recollected that a copy of a baptismal register of Luisa Calderon might be wanted in England, went of his own accord, *after* the said William Fullarton had left the Island of Trinidad, to the Catholic Priest of the Parish wherein the said Luisa Calderon was born, for a copy thereof, and thereupon voluntarily and readily obtained such copy from the said Priest without paying any money for the same, which the deponent verily believed to be true, because the said Pedro Vargas had, a short time previous to his decease, made an affidavit to that effect in the Court of King’s Bench.”

There can be no reason for doubting the truth of Mrs. Fullarton’s affidavit, and it may therefore be taken for granted that Vargas told her *he* had obtained the certificate, and this part of his statement

agrees with the evidence of the mother, Maria Calderon (*vide* p. 230.) The date, however, *when* the certificate was procured is not so clear. The statement of Vargas as repeated by Mrs. Fullarton seems to imply that no certificate was thought of until after Fullarton had left the Island, *i.e.*, after he had been relieved by Hislop; but Father Angeles himself stated, in answer to the Attorney-General (p. 232), that he gave two copies to Don Juan Montes when he went to London from Trinidad in June, 1803,* at the same time, if not in the same ship, with Colonel Fullarton.

The probabilities are strong that Vargas planned the whole plot, finding tools only too pliant in the Priest Angeles and the Spanish spy Montes; but that, with the cunning characteristic of men of his stamp, he kept in the back ground until he made his appearance in Westminster Hall as the "Assessor and Legal Adviser to Colonel Fullarton."

What share the latter had in the fabrication of the false certificate, or if, indeed, he had any share in it at all, is beyond the possibility of being decided with certainty. If even the most charitable view is taken, he was guilty of gross misconduct in allowing himself to be so blinded by personal feelings as to accept, without examination or distrust, any evidence, no matter how improbable, provided it helped to make a charge against Picton; but it is safer perhaps to

* The fact that Montes having left the Island at this time is established by the following representation which was made to the Governor (Hislop) by the Council in September, 1807 :—

"The members of His Majesty's Council have the honour to represent that in the Brig *Progress*, which arrived here yesterday with the London convoy, have returned to this Island as passengers, Juan Montes, Porto Rico, and Rafael Chando, three of the persons who went home in *June*, 1803, as evidence against Governor Picton.

"His Majesty's Council have had an opportunity of hearing much said in public about the impropriety of readmitting these persons into this Government, and they verily believe that their residence in this country can very well be dispensed with, nor can it be any inconvenience to them to be refused admittance, having no property whatever, real or personal, in the Island, and nothing to offer us but their industry, which they can employ as much to their own advantage in countries more natural to their language and customs; for all which reasons your Council are of opinion that these persons should be ordered to transport themselves elsewhere, particularly Montes, who was the principal promoter of all the disputes and disagreements which took place in this Island between the Commissioners of Government."

This suggestion appears not to have been acted upon, the three witnesses being considered to be entitled as such to safe conduct, *eundo et aberundo*.

believe that than to assume his complicity in the fraud which, were it to be admitted, would place him in the same category as Scott's hero, or rather Byron's caricature of him, as—

“Now forging scrolls, now foremost in the fight,
Not quite a felon, yet but half a Knight.”





CHAPTER XVII.

THE details of the trial of Picton for the assault upon Luisa Calderon have no further connexion with this work, and have only been referred to in the preceding chapters in order to shew the unscrupulous nature of the attack made upon him by Fullarton and his allies.

The trial came on for hearing on the 24th of February, 1806, before Lord Ellenborough and a special jury, and a verdict of "Guilty" was returned against the defendant. The minds of the jury seem to have been strongly influenced by the evidence of Pedro Vargas, who swore positively that at the period of the capture of Trinidad by Sir Ralph Abercromby in 1797 the law of old Spain was not in force in the Island, and that the infliction of torture was neither authorized by the laws of the Indies nor by any Ordinance in force in the Spanish Colonies. Picton's counsel were not in a position to rebut this evidence, and the verdict, as a natural consequence, was adverse to their client.

When this verdict was made known Fullarton remarked that "humanity was satisfied," but he did not cease to keep up the paper war he had waged against Picton ever since he had returned to England. What effect this had upon the object of his venomous attacks will best be shown by the following letter written by Picton immediately after the trial to his friend and former colleague, Sir Samuel Hood:—

" London,
" 1st March, 1806.

" My Dear Sir,—I doubt not but you will do me the justice to believe that the inventions of malice and the credulity of ignorance are equally unable to affect my mind or influence my conduct in any situation or

circumstances of life ; or that the indecent caricatures exhibited everywhere in the streets and windows, and the malignant, scandalous libels which have inundated the metropolis, to outrage truth and to corrupt the sources of public justice, will neither succeed in alarming my apprehensions nor irritating my disposition. Yet, I am very far from despising the judgment of the public ; on the contrary, none possesses a higher veneration for it, when calmly and coolly exercised ; but to have any value in my mind, it must proceed from the operation of reason, and be the result of temperate investigation.

“ The reputation which rests upon the solid foundation of honourable services and zealous devotion to the cause of our country is an object of virtuous ambition to which no well ordered mind can ever be insensible ; it is the shadow which accompanies the solid substance of meritorious actions, and the evidence of their existence,—it is the only genuine source of popularity ; and the public opinion which rests upon any other foundation or is derived from any other cause, though it may for a time serve the purposes of faction and intrigue, will ever be esteemed by prudent and deserving persons as a counterfeit coin, and a spurious imitation of the more precious metal.

“ The inhabitants of this country possess, perhaps, more of the milk of human kindness than those of any other country in the world ; they are more feelingly alive to every tale of woe or oppression ; and these amiable qualities are, in a great measure, the cause of their being so open to the impositions and *canting hypocrisy of pretended philanthropists* : but they have invariably a fund of sound sense at bottom, which will never allow any delusion to be of long duration. Such a public, when the first impression begins to subside, will naturally inquire into the causes and motives of the appeals to their passions ; and when an apparently public object is pursued and pressed upon them with all the rancour and animosity of private interest and resentment, they will not be slow in suspecting some concealed selfish motive to be lurking beneath the specious patriotic pretext.

“ This hypocrisy of patriotism, like that of religion, has always been most successful in its impositions upon people of ingenuous and candid dispositions. But even with them, the age of delusion is nearly over ; and extravagant pretensions, either to the one or the other, have fallen everywhere under merited suspicion. It is, however, much to be lamented that the great principles upon which the well-being of all civil as well as political societies rest, have been much weakened in the estimation of the world from the interested and selfish motives by which their appearances have been urged, and the still more interested objects to which those unprincipled and designing imposters have directed them.

“ These reflections naturally lead to a consideration of the indefensible means employed to impose upon the credulity of the public in my case, and to make them the tools and instruments of private passion and resentment. You are too well acquainted with the corrupt sources from which they emanate to feel any astonishment at the impudence with which they have been employed ; the puppet-showmen may conceal themselves behind

the curtain, but no one is ignorant of the hand which touches the strings and wires, and sets the men of straw in motion. I need not here recall to your mind the circumstances which led to our resignation as two of His Majesty's Commissioners for the government of Trinidad; they are of too extraordinary a nature not to be permanently fixed in your recollection without any effort of mine to renew the impression. My resignation, you will remember, was readily and easily admitted; and whatever the pretext be, I believe you had no difficulty in penetrating the reason why *yours*, though urged with more strength, met with a different reception.

"The disagreements amongst the Commissioners produced at least one good consequence, as they led to the abolition of a chimerical system of government, which has realized the apprehensions of every practical statesman, by producing an infinity of evil, and no one advantage, except a convincing proof of its impracticability, which may deter future theoretical politicians from attempting a similar incongruity.

"Amongst a variety of means, equally honourable to the heads and hearts of the contrivers, a specious appeal has been made to the humanity and passions of the public in favour of a common mulatto girl, of the vilest class, and most corrupt morals, who living in the confidence and under the protection of an industrious tradesman, formed an illicit connexion with a negro, who robbed him, with her concurrence, of the whole earnings of a life of industrious parsimony, amounting to nearly £500 sterling.

"*This respectable personage*, who was guilty of the most flagrant perjury upon her examinations, was proceeded against before the ordinary Magistrates of the Colony, according to due course of law, and nothing but mistaken lenity saved her from an ignominious death upon the gallows. Such is the person who has been selected to act the part of a most virtuous, interesting *young lady*; whose sufferings have been painted in such glowing colours to the public; and who, at the very time she was fixed upon as the heroine of this mountebank exhibition, was living under the impression that she had been treated with peculiar mildness by the remission of the punishment ordained by the laws for a crime of such complicated villany.

"In consequence of circumstances connected with the above transaction, an indictment having been preferred against me in the Court of King's Bench, I was under the necessity of applying for a Mandamus to examine evidence in Trinidad, the result of which I now lay before the public (faithfully copied from the official returns) in order that they may have the means of detecting the artifices which have been practised upon their passions to mislead their judgments; and I have chosen to address it to you, Sir, as a testimony of the high veneration and esteem which I entertain for your character, public and private, and as a mark of the inappreciable value I place upon a friendship which commenced under circumstances of a most trying nature, and grew up amongst difficulties. You, Sir, had opportunities of becoming acquainted with the sentiments and opinions of all the respectable inhabitants of a Colony I had governed for so many years, without instructions, advice, or assistance. Did you

ever learn any circumstances, during your official residence in that country, which could lead you to suspect anything discreditable to my character as a public or private man, in my civil or military capacities? I may boldly venture to say, No; or I never should have been honoured with your confidence and friendship.

"In my public situation, as chief of the civil and military departments in a newly conquered country, possessing great discretionary power without any accurate limit or definition, I am conscious that I at all times and on all occasions faithfully performed my public duty to the full extent of my abilities. Whether I am entitled to any degree of credit or not, is scarcely worth enquiry; I am not asking for any rewards, therefore it will be superfluous to ascertain the value of my claims; all that I am solicitous in establishing is, that I have, on all occasions, done what I considered most conformable to my public obligations without any respect to private passion or individual interest: a position which I confidently trust *no man of truth and honour*, who had an opportunity of witnessing and examining my conduct will be inclined to contest or dispute with me.

"You see, Sir, my claims upon the public are not extravagant or unreasonable; I neither claim reward for my past services, nor challenge credit for great talents and extraordinary moral powers to operate wonders in their cause for the future. I make no such pretensions; but I have a right to demand a presumption that the moderate share or portion of talents which they are willing to allow me, was employed zealously and honestly, to the best of my judgment. Such is the extent of my claims upon the public, and to which the strongest testimony has been borne by every one of the high authorities I acted under during the whole of my civil and military employments.

"You well know, Sir, that I was placed, without any solicitation, as a matter of professional duty, in a most extraordinary situation; at the head of a new conquest, without any legal adviser to guide me in the administration of an intricate system of foreign laws, written in a foreign language; without any Magistrate legally constituted or acquainted with the jurisprudence of the country to execute them; without any law books except such as I could casually pick up upon the spot; without any council with whom I could share the responsibility, and without any detailed instructions to supply the deficiency; and that, so situated, I was left, for nearly six years, solely to my own judgment and discretion, to carry on the business of the Colony in the best manner I could.

"Thus circumstanced, what more could reasonably be expected of me than that I should act honestly, to the extent of my abilities, with the best advice I could procure in the place? How is it possible that I could become acquainted with the laws or the practice of them except from the books within my reach, and the Magistrates who were most accustomed to their application? I did guide myself on this, as on every other occasion, by the advice of the Magistrates and other law officers, the only sources of legal information or practice; and if more was required of me, I am ready to confess I am not capable of impossibilities.

"However, Sir, if I were to estimate my merits in so novel a situation by the assurances of confidence and approbation which I continued officially to receive from the high authorities under whom I acted up to the very moment of my resignation. I might allow myself to indulge in very considerable claims and pretensions, without incurring a charge of extravagance; but I have learned to estimate such assurances by the consequences which have followed them, and which it is not within the bounds of probability, that I shall early or easily forget.

"I trust that the English people are too reasonable to require of me more than they would of any other person of moderate abilities under similar circumstances. Let any one of them suppose himself posted where I was, without any solicitation or intrigue on his part;—would he be satisfied to be placed in the midst of darkness and then punished for not seeing clearly?

"I was ordered to administer an intricate system of laws, of which I was totally ignorant, and then I am made accountable for the errors I involuntarily committed, and criminally prosecuted for what I could not possibly avoid.

"If my deviations, indeed, proceeded from corrupt or malicious motives, the people of England will have a right to exact a severe and rigid account of them; they would not do justice to themselves and to the character of the British nation if they did not; and I am ready to acknowledge, in such a case, I should have nothing to plead in my defence.

"The simple fact is, there were great difficulties in the way of making any arrangements for the administration of a conquest, the circumstances and population of which they were not sufficiently acquainted with: and the only expedient they could have recourse to in order to get rid of the embarrassment was by throwing it upon me, confiding the remedy to my judgment and discretion. I did not shrink from the task, however difficult; and my obedience was at least a strong proof of my zeal for His Majesty's service, and my confidence in the authorities I acted under, if not of my prudence and discretion. It is true, I took a great responsibility upon myself. I could not move a step in the public service without incurring serious responsibility, which was imperiously forced on me by circumstances; but it was incurred honestly, honourably, and disinterestedly, in the service of the public, without any possible advantage to myself. It was a sacrifice I made of personal interest and personal safety, which entitles me to some consideration, both from the public and the departments of Government with which I have been connected, though I never made any claim upon either.

"I never made any claim; but my forbearance does not exonerate *them* from a performance of their public duty; it rather increases the obligation. Those authorities know that I did my best, and probably as well as any man could have done in my situation. In the face of the people of England I confidently say, that they know from every source of credible information, from all the distinguished public characters with whom I was in relation, civil or military, in the different confidential situations I was employed in, that I invariably sacrificed every private

consideration and personal interest to my high, perhaps Quixotic, idea of public duty. They know that agriculture, that commerce, that the public revenues increased and flourished under my administration to an extent scarcely to be expected, considering the unfavourable circumstances under which the Colony was placed; that the public expenses were narrowed within the bounds of the most rigid economy; and that the whole disbursements of the Colony were not only provided for without a single call upon the Treasury, but that a large sum had been economized, and laid up in the colonial chest, as a resource for any extraordinary emergency.

“Neither you, Sir, nor His Majesty’s Ministers are ignorant of what has become of that large sum, nor what extraordinary calls have been made upon the Treasury of this country in consequence of its sudden dissipation. They knew that I applied the revenues and administered the laws of the country honestly and impartially to the best of my abilities; and they are not ignorant that I sacrificed all fees and emoluments, to a large annual amount (and to which I had an unquestionable right) to promote the interests of commerce, and of His Majesty’s Government. And yet what have I not been exposed to? To every species of indignity; to expenses ruinous to any officer in His Majesty’s service, whatever his rank might be; and to circumstances, the effect of which are calculated to damp the ardour and cool the zeal of every public servant who may be similarly situated.

“I am not of a contentious spirit either in public or private life; and there are few who have been more disposed to make sacrifices to concord than I, on all occasions when the essential duties of my public situations would allow me to follow the natural bent of my inclination. With such a disposition, during my long service, I had the happiness to steer clear of all misunderstandings and contentions, as well with the chiefs under whose immediate orders I acted, as with all those with whom it was my duty to co-operate in promoting the public service: and I had a fair prospect of being enabled to end my public career without a single serious disagreement, when an event, which it was impossible to expect or foresee, exposed me to circumstances which rendered all prudence nugatory.

“His Majesty had been graciously pleased, without any solicitation on my part, as a spontaneous act of Royal favour, to appoint me to the high and confidential situation of Governor and Commander-in-Chief of Trinidad, expressly as a reward for my former services as Military Commandant of that important Colony. Amidst the strongest official assurances of the fullest confidence and approbation of the measures which I had pursued in this high station, without any previous communication, I was suddenly superseded, and appointed to a subordinate situation in the same Government, without my consent or even knowledge. Humiliating as my position became, thus degraded in the eyes of the world, it being signified to me as the express command of my Sovereign, I did not hesitate a moment to obey, and in so doing I gave the strongest proof of my devotion to His Royal will, by a sacrifice of every feeling; in consequence

of which I have been exposed to a series of wicked machinations, such as no man ever before experienced.

“But to return to the subject from which I have insensibly strayed. The most wicked and indefensible means have been made use of to pre-occupy the public mind with opinions unfavourable to me, at a time when a cause of the utmost importance to my character is pending in the Court of King’s Bench ; a conduct the more atrocious, as it is manifestly calculated to deprive me of a fair impartial trial by influencing the passions of those who eventually are to be my judges ; an attempt which, I trust confidently, the people of this country will not see without indignation.

“All I ask of them is what religion and morality equally require as indispensable duties ; that they abstain from rash, premature judgment, and wait until they fairly and fully hear both sides of the question, before they give their verdict against an officer who has been serving them with zeal and fidelity for nearly thirty-five years. I solicit no rewards, I ask no favours ; but I demand as a right what they cannot refuse me without injustice,—an impartial hearing, and a suspension of judgment until the final issue of the new trial for which I am about to move.

“With many apologies for the length of my intrusion,

“I am, &c., &c.,

“THOMAS PICTON.

“Sir SAMUEL HOOD, K.B.”

The motion for a new trial referred to in the foregoing letter was made by Mr. Dallas (afterwards Chief Justice of the Common Pleas) in the Court of King’s Bench on the 26th April, 1806, and after hearing counsel on both sides the rule for a new trial was granted.

It was whilst these proceedings were going on that the result of the investigation before the Privy Council became known. No sooner was it made public than the attacks upon Picton were redoubled. The following extract from one of the most important political organs of that day, which espoused Picton’s cause, shews clearly to what a height public feeling was excited upon this occasion.

Alluding to the Report of the Privy Council acquitting Picton of the charges preferred against him, a writer in the *Anti-Jacobin Review* wrote as follows :—

“When we recollected that three years had elapsed since these charges were first submitted to the Privy Council ; that they were pursued under three successive administrations ; that they had of course

undergone the fullest and most rigorous investigation ; and that the late sittings were attended by the different members who had watched the whole progress of the business, we could not, we confess, but feel for the deep humiliation of the rash accuser who had been thus foiled in every attempt, and who had reaped nothing but defeat and disappointment from his strenuous and unexampled efforts in the cause of *Justice, Virtue* and *Truth!* We conceived indeed that he would instantly retire from public notice, take shelter in his native mountains, and hide his diminished head in shame and sorrow.

“ Alas ! we knew little of the man, and but ill-estimated the nature and extent of his more than *national* perseverance ; no sooner was the decision of the Council conveyed to the public through the medium of the papers, which have been most scandalously true to the cause of Mr. Fullarton, than the vigilant eye of that arch-accuser (there are some passions ’tis known which never sleep) viewed it with one of those furious looks which Locke tells us “are able to discompose most men,” and immediately sent the following answer ; of which, either from the blunder of the printer, or from the rage of the writer, nothing but the malignity is perfectly intelligible :—

“ We are authorized and requested to state, that if the contents of the preceding paragraph (*announcing the decision of the Council*) are sanctioned by official authority, the most authentic proof will be submitted to the Public, specifying the real ground of the charges preferred against Colonel Picton upon such of which as are of a capital nature the Lords of the Council have sat upwards of three years, and which have occupied the unremitting attention of three succeeding administrations.”

After a few caustic remarks upon the style and taste of this paragraph, which he attributed to the pen of Fullarton himself, the *Reviewer* proceeded :—

“ We also will appeal to the public, and with confidence too, if ever a proceeding so highly indecent was adopted by any man who had preferred a criminal charge against another, as this of Mr. Fullarton. Treating with contempt the decision of that Court which had legal cognizance of the cause and which had devoted to the investigation of it so much time and so much labour ; behaving with marked disrespect to his Sovereign who had in the most unequivocal terms expressed his Royal approbation of such decision, Mr. Fullarton leaves not the destined victim of his enmity there, but resolves to appeal from the honourable sentence of acquittal to—a higher Court ?— No ; but to the people !

“ What, let us ask, would the public think of a man, who after having preferred a bill of indictment against another for murder, or for treason, and who after such bill had been thrown out by the Grand Jury, should appeal from their judgment to the people and publish his own *ex parte* statement of facts ? Would they impute his conduct to a regard for justice, or would they not rather be led to suspect from such persevering

enmity, that it proceeded from revenge founded on some base and selfish motives? If in *such* a case they would draw such an inference—and it would be strange indeed if they did not—what favourable conclusion can even distorted candour itself draw from the proceeding of Mr. Fullarton? Far be it from us in thus arguing from cases of a nature in some respects similar, to extend the analogy to the *motives* imputed to the accuser. Mr. Fullarton must be incapable of harbouring any such motive; *he* is all truth, all honour and all virtue; and to his insatiate thirst for justice alone must be implied his care to proclaim Colonel Picton to the world, while the charges were in course of investigation by the Council, ‘the most atrocious malefactor who ever disgraced the English name and character.’”—(*Anti-Jacobin Review*, January, 1807.)

On the 11th June, 1808, the second trial came on for hearing in Westminster Hall, and the evidence was again gone into. On this occasion the jury returned this special verdict—

“That by the law of Spain torture existed in Trinidad at the time of the cession of the Island to Great Britain, and that no malice existed in the mind of the defendant against Luisa Calderon independent of the illegality of the act.”

These latter words had reference to the question (which was left to the Court) whether, as a British Governor, Picton should under any circumstances have allowed torture to be inflicted.

In a letter to a friend which is quoted by his biographer, Picton summed up the whole of the proceedings in the following terms:—

“I was desired to administer the laws of the Island as they existed at the time of the Capitulation. Of these I knew nothing, but my knowledge of the language enabled me to learn them. A judge was appointed under me with the same instructions to administer Spanish law, and he *was* acquainted with the laws of Spain. To him, therefore, I was obliged to look, and however contrary to my opinion of justice and humanity which was founded upon our own admirable institutions, I was compelled to sanction his proceedings. Had I been told to administer English law I should have done so to the best of my ability; but I was instructed to administer justice according to a Code of which I was totally ignorant and the disturbed state of the Colony left me little time for study. In the case for which I am now being tried, if I was guilty of anything culpable it was ignorance, but the Notary cited the law to me and I then thought I had no alternative but to administer the Spanish laws as they were, instead, as I have since learned, modelling them to the forms prescribed by our own Legislature and to the feelings of the British public. By the laws of England, which it appears ought to have been put in force instead of those of Spain, I think the girl Luisa Calderon, as an accessory before the fact, and Gonzalez as the principal, would be

hanged for stealing in a dwelling-house a sum above the value of forty shillings, while Pedro Ruiz would have lost his money, and I leave impartial minds to determine whether in this instance Spanish law was not more merciful and satisfactory to all parties."

An argument on this special verdict was heard on the 10th February, 1810, when the Court ordered the defendant's recognizances "to be respited until they should further order," and here the prosecution virtually came to an end as no further order was ever made.

The following note in the report of the case in "Howell's State Trials" is interesting :—

"It was thought by the bar, that had the opinion of the Court been delivered, judgment would have been against General Picton but that upon a consideration of the merits it would have been followed by a punishment so slight, and so little commensurate with the magnitude of the questions embraced by the case, as to have reflected but little credit upon the prosecution, and I have been informed that it was by the advice of one of the learned counsel who greatly distinguished himself in arguing the questions which arose in this case that it was not again agitated."

In the course of both the trials reference was repeatedly made to the case of *Fabrigas vs. Mostyn*.* In that case it appeared that the defendant when Governor of Minorca had done certain acts under the authority of the *Lex Loci* to the injury of the plaintiff, who thereupon sought redress in the English Courts.

Lord Chief Justice De Grey who presided at the trial thus expressed himself:—

"The torture, as well as banishment was the old law of Minorca, which fell of course when it came into our possession. Every English Governor knew he could not inflict the torture; the Constitution of this country put an end to the idea."

This opinion of Lord De Grey's seems to have been accepted as conclusive for many years, but in 1834, in the case of *Donegani vs. Donegani*,† *Coltman, K.C.*, and *Jacob, K.C.*, for the respondent, ventured to question it in the following terms :—

"The position of Lord Chief Justice De Grey was a mere *obiter dictum*, and was the occasion of the prosecution of General Picton, upon

* Howell's State Trials, vol. xx., p. 81.

† Knapp's Privy Council Cases, vol. iii., p. 69.

whose case there was so much doubt, that after two convictions the Court of King's Bench was not able to determine, on the second trial upon the special verdict, whether his justification by the law of Spain for having inflicted the torture upon a subject of a conquered country governed by that law, was or was not made out, and he never was brought up to receive judgment."

Fullarton, the instigator of the prosecution of Picton, did not live to see its termination having succumbed to an attack of inflammation of the lungs on the 13th of February, 1808. Had he lived a few years longer he might have been present at a scene in which Picton was again "brought before his Peers," but on this occasion as the object of universal admiration.

On the 1st November, 1813, five years after his trial on a criminal charge in the neighbouring Hall, the Commons of England, the Great Council of the Nation, assembled to bestow upon Picton the highest mark of honour which it is in the power of that body to confer.

On that day, himself a Commoner but more ennobled by deeds of personal valour than he could have been by the proudest ancestry, he once more came to hear passed upon him the verdict of his fellow men. Very different now were the terms in which he heard himself described; he was no longer denounced by the hired advocate of a vindictive party as a bloodthirsty tyrant and a disgrace to humanity, but from the mouth of the Speaker of the House of Commons, who expressed, not the feelings of a party, nor of partial friends or political allies, but the sentiments of the whole nation, he heard the following words:—

"Lieutenant-General Sir Thomas Picton, in this House your name has long since been enrolled amongst those who have obtained the gratitude of their country for distinguished military services; and we rejoice to see you this day amongst us claiming again the tribute of our thanks for fresh exploits and achievements.

"Whenever the History of the Peninsula War shall be narrated, your name will be found the foremost in that race of glory; by your sword the British troops were led on to the victorious assault of Ciudad Rodrigo; by your daring hand the British standard was planted upon the Castle of Badajoz! when the Usurper of the Spanish Throne was driven to make his last stand at Vittoria, your battalion filled the centre of that formidable line before which the veteran troops of France fled in terror and dismay; and by your skill, prudence and valour, exerted in a critical

hour, the enemy was foiled in his desperate attempt to break through the barriers of the Pyrenees and raise the blockade of Pampeluna.

“For the deeds of Vittoria and the Pyrenees, this double harvest of glory in one year, the House of Commons has resolved again to give you the tribute of its thanks; and I do now therefore, in the name and by the command of the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, deliver to you their unanimous thanks for your great exertions upon the 21st June last near Vittoria, when the French army was completely defeated by the allied forces under the Marquis of Wellington’s command.

“And also for the valour, steadiness and exertion so successfully displayed by you in repelling the repeated attacks made on the position of the allied army by the whole French forces under the command of Marshal Soult between the 25th of July and 1st August last.”

Picton was so overcome with emotion on this occasion that he could with difficulty articulate the few words he uttered in reply. Nor is this surprising: the truly brave are ever modest and with all a soldier’s love for glory and distinction, Picton felt far less at his ease on the floor of the House of Commons than he had done when heading the storming party through the breach of Badajoz.

On the 24th of June in the following year the thanks of the House were again presented to him for his distinguished conduct in the campaign which led to the abdication of Napoleon and the first restoration of the Bourbons, and then, after the lapse of another twelve months he ended his brilliant career on the field of Waterloo whilst in the act of “gloriously leading his division to a charge with bayonets, by which one of the most serious attacks made by the enemy upon our position was defeated.”*

Some years after the death of Picton, in February, 1819, when he could no longer serve or injure any one, the following lines appeared in the *Trinidad Courant*:—

“AUX MANES DE L’IMMORTEL PICTON.

“Toujours grand, généreux et justement sévère,
COLONS, en le perdant vous perdez un père,
En vain la calomnie voulût de ce Héros,
Entâcher les vertus et troubler le repos;
Il confondit l’envie qui machina sa chute,
Et sortit triomphant de l’inégale lutte.

* Wellington’s Despatch.

Mais, COLONS, oh douleurs et regrets superflus !
Il vous abandonna pour revenir plus,
Bon, desintéressé, régir la colonie ;
Etablir parmi nous une heureuse harmonie.
Non, le cœur ulcéré d'avoir fait des ingrats,
Il va au champ d'honneur au milieu des combats
S'immoler à son Prince, en se couvrant de gloire
Et radieux descend les eaux de Lethe boire.
En digne enfant de Mars, bref, il finit son sort !
COLONS, en vie vous même, hélas, pleurez sa mort !”

As a specimen of the *Ars Poetica* these verses are beneath criticism but there can be no doubt as to the feeling which inspired them, and it is a remarkable fact that when they were published they met with no rejoinder, although most, if not all of those who had joined in the hue and cry against Picton were still living in the Colony.

Possibly men had grown wiser as years passed away, or it may be that their better feelings were roused by the recollection of the glorious death, in the very moment of victory, of him whose life they had embittered.





CHAPTER XVIII.

IT now becomes necessary to revert to the period immediately succeeding the appearance of Nelson's fleet in the Gulf of Paria in June, 1805.

Great as was the alarm caused on that occasion, it had been fully compensated for by the certainty gained that a thorough spirit of loyalty pervaded all classes of the community. One very convincing proof of this had been furnished by the readiness with which, when it was known that the Treasury was literally empty, private individuals came forward to supply the materials for constructing works of defence as well as provisions for the defenders, or the funds needed for their purchase; and this was the more worthy of praise as the embarrassed state of the Colony was daily becoming more and more evident. The Home Government, had been frequently appealed to upon the subject, but remained silent, although in February, 1804, Lord Hobart had written to General Hislop expressing the anxiety of His Majesty's Ministers to introduce into the Island of Trinidad so much of the laws of Great Britain as might be expedient for the security of the persons and properties of His Majesty's subjects, and for the general advancement of the Colony, adding that: "Trinidad, having by the late treaty of peace, become to all intents and purposes a British Island, and all its inhabitants subjects of the British Crown, it is extremely desirable that a form of Government as nearly as possible approaching to that which subsists in His Majesty's other Colonies should be established without delay."

These intentions of the Ministry were not however put into execution at that time, and the Council of the Island being merely one of advice, had no power to levy taxes.

That the King could have done so of his own will and pleasure was not denied. Trinidad being a conquered Colony and not having had any Constitution given to it, an Order in Council would have been sufficient authority to the Governor to levy any taxes which might be deemed necessary. That this course was not then adopted was due to the fact that the King's Ministers, intending to give Trinidad a Constitution as soon as possible, were not prepared to advise the Sovereign to assert a right he undoubtedly possessed, but the exercise of which would be certain to cause great dissatisfaction in the Colony.

In the meantime it was daily becoming a more difficult task for the Governor and Council to carry on the Government, and these difficulties were greatly increased by the policy pursued by England with regard to the North American trade. After the Declaration of their Independence by the United States of America, the British Government determined to put every possible restriction upon the intercourse between them and the Colonies still remaining to England in the Western Hemisphere. This was done for a double purpose: the Government hoped to cripple the trade of the young Republic, and at the same time to increase the corresponding industries in those American Colonies, which still remained under British rule. In carrying out this policy much hardship was necessarily inflicted upon the West India Islands, the inhabitants of which were sometimes brought to the verge of actual famine by this attempt to punish the Americans.

The following letter which just about this time was addressed to Lord Castlereagh by Mr. Marryat the Agent of the Colony, will show how hardly these restrictions bore upon Trinidad:—

“New Bridge Street, London,

“29th April.

“My Lord,—A Memorial is now on its way from Trinidad, urging the necessity of permitting the inhabitants of that Colony under the present circumstances to barter their sugars with the Americans in exchange for provisions and lumber, but as the mail boat sailed to join the packet the same day with the *Endeavour*, a merchant ship that arrived at Liverpool last week, I begin to apprehend that the Memorial may never come to hand, and therefore take the liberty of offering a few observations on the subject of it, as Agent for that Island, for Your Lordship's consideration.

"An infant Colony, like any other infant, requires fostering and indulgence at first, which may be dispensed with after it has attained a certain degree of strength and maturity. A great proportion of the small planters in Trinidad have no correspondents in England. If they are obliged to ship their sugars they can hardly get any credit upon them in the present depressed state of the market, and may be starved before their sugars are sold and the nett proceeds known, and placed at their disposal.

"Besides, in that new Colony the bulk of the sugars are so inferior in quality that they sell here for little more than the charges. I have seen sales of sugar which have averaged only £3.15s. per hhd., when the same sugars in barter with the Americans would have given the planter £20 per hhd.

"When the Order in Council prohibiting the exportation of sugar to America arrived in Trinidad, the price of sugar fell to \$2.50 per cwt., a price absolutely ruinous to the planter, and the price of every necessary of life purchased from the Americans immediately doubled from the impossibility of paying for them.

"The state of distress in which the inhabitants are thus placed is really deplorable and has excited much dissatisfaction, of which Your Lordship may judge from the extracts of letters which I enclose.

"Though I am a strenuous advocate of the Navigation laws and am particularly prompted by my interests as a merchant to recommend the enforcement of them, yet in this instance Your Lordship will permit me to observe that necessity supersedes all laws, and that the inhabitants of Trinidad may plead the most imperious necessity in support of their present supplication.

"I have the honour, &c., &c.,

"JOSEPH MARRYAT."

Mr. Marryat's letter evidently did not produce much effect for about a month later he wrote to the Governor and Council :—

" . . . I have seen both Mr. Cooke at the Colonial Office and Mr. Huskisson at the Treasury on the subject, and find that the Council are not at all disposed to relax from the system they have adopted, which, however hard the operation of it may be on any particular Colony, they think must be enforced generally or not at all. The plan of the present administration seems to be to recur to the old navigation system and to compensate the West India Islands for the inconvenience attending it in this instance by reverting to the old rule of war, and by preventing neutrals from bringing the produce of the enemy's Colonies to their respective Mother Countries, securing to their own Colonies the monopoly of the European market."

"I remain, &c., &c.,

"JOSEPH MARRYAT."

It was not Trinidad alone however that was suffering at that time from commercial depression.

In a pamphlet published at the commencement of 1807, the following passage occurs :—

“We are accustomed to date our heaviest burthens from the commencement of our first efforts to stem the torrent of the French Revolution. But the amount annually paid into the Public Treasury by the West India Trade is equal to more than one-half of all the permanent taxes imposed on Great Britain since that inauspicious war ; in other words, the taxes annually paid by the West India Trade are greater than half the interest of the whole national debt.

“What would be the feelings of the country if we knew that a calamity impended over us, which if not effectually guarded against would add two hundred millions to the amount of our national debt and oblige us to submit to an accumulation of new burthens equal to half the permanent taxes imposed during the last fifteen years ? Yet such is the alternative for which we must be prepared if we do not speedily and effectually succour the West India planters. They have spent the last nine years in an unavailing struggle and their property has undergone a progressive and rapid depreciation. Hitherto the loss has been borne by the individual, but it must soon be borne by the State for the individual can bear it no longer.”*

In spite, however, of the absolute want of money in the Treasury it was determined to push on the works at Fort George with all speed, as they were deemed to be of paramount necessity. The war between France and England was still going on with unabated vigour and an enemy's fleet might at any moment make its appearance in the Gulf of Paria and compel the Island to surrender, although probably after somewhat more resistance than had been shewn ten years before.

Whilst the Government was thus struggling, in spite of its poverty, to protect the Island from external foes the sense of security created by its activity was suddenly disturbed in a manner peculiarly appalling to West Indian society at that time.

The year was drawing to its close, and Christmas always a gay and festive season in Trinidad was near at hand, when the inhabitants of Port-of-Spain—and indeed of the whole Colony—were alarmed by rumours that an intended general revolt of the slaves had been discovered.

* “An Inquiry into the state of the British West Indies” : by Joseph Lowe, Esq., London, 1807.

On the 10th December, 1808, a special meeting of the Council was hurriedly summoned and the Governor informed the Board that he was in possession of information which he feared was only too correct proving the existence amongst the slaves of a widely extended Secret Society the chiefs of which at that very moment were completing their final arrangements for a rising *en masse*, their object being the murder of all the white and free coloured inhabitants.

The effect of such an announcement upon the Council may be well imagined. There were at that moment in the Island 20,000 slaves whilst the white and free coloured inhabitants together did not amount to even one-half of that number. Some of the members of the Board had actually witnessed the horrors of a servile insurrection; to all, the details of the revolt of the slaves in St. Domingo were familiar. They felt that if they would save, not only the properties of themselves and their fellow colonists from fire and pillage, but their lives and the lives of all near and dear to them they must act promptly and with decision, and they certainly shewed no dread of the responsibility they incurred.*

As soon as the Governor had communicated his unwelcome news it was determined that steps should be at once taken to stamp out the intended revolt, and orders were issued for the immediate arrest of those slaves who had been denounced as ringleaders, in order that they might be examined before the Council, which resolved itself for the occasion into a High Court of Justice. At the same time, in order to appease the alarm in the public mind a Proclamation was issued in which the steps taken by the Executive were enumerated.

The whole of the evidence given before the Council is detailed in the Minutes of the Board. Much of it is irrelevant and such as would not be admitted in an ordinary Court of Law, but it affords ample proof that the reports which had reached the Governor were correct in all their main points. According to all the witnesses, the slaves

* The great Indian mutiny occurred within the memory of men still young, and dire was the necessity which compelled the use of new and terrible forms of punishment in order to strike terror into the hearts of the rebellious sepoys. Those energetic measures which saved to England her vast Indian Empire were violently attacked at the time, and the Governor and Council of Trinidad were blamed in 1808 for having acted in the like manner.

throughout the Island but especially in Maraval, Diego Martin and Carenage, (Districts which were chiefly inhabited by French settlers), had formed themselves into "*Convois*" and "*Regiments*," each of which was known by its peculiar appellation. These were, for instance, the "*Convoi des Sans Peur*" or "Dreadnought Band"; the "*Convoi de St. Georges*;" the "*Regiment Danois*" or "Danish Regiment," which probably had been formed by slaves from St. Thomas or St. Croix; the "*Regiment Macaque*" or "Monkey Corps," and many others with titles more or less suggestive. Each "*Convoi*" or "*Regiment*" had its King and Queen, Dauphin and Dauphiness, Princes and Princesses, a Grand Judge, soldiers, and alguazils.

As these associations could not exist unnoticed, they had an avowed object harmless enough in a political sense, though scarcely so from a moral point of view. They professed to meet merely for indulgence in those dances of which the African races are so inordinately fond. The witnesses stated, probably with truth, that by far the greater number of the members of these Bands were kept in entire ignorance of their real object. If, however, the rest of their statements were correct, the chiefs had formed a diabolical plot, which, had it not been most opportunely discovered, would have formed a terrible epoch in the history of the Colony.

Some few miles to the westward of Port-of-Spain there is a valley called La Cuesa, in which at that time there were several sugar estates long since abandoned. It was among the slaves on these estates that the plot was matured, and it was there that the outbreak was to commence. Their plan was simple enough. They intended to rise suddenly on Christmas day when both slaves and free men would be in the midst of the usual festivities, and after killing the two principal proprietors in the valley, M. Rochard and the Chevalier de Gannes de la Chancellerie, and all the white and coloured inhabitants, to march on to Port-of-Spain murdering, pillaging and burning as they went. As a proof that the conspiracy was widespread, several witnesses of respectability from different parts of the Island deposed to having heard a song in common use amongst the labourers for some months previous to the detection of the plot. Only one couplet and the *refrain* of this song have been preserved, but these are sufficiently

suggestive of the spirit which animated the whole composition:—

“ Pain nous ka mangé
C'est viande beké,
Di vin nous ka boué
C'est sang beké.

Hé' St. Domingo, songé St. Domingo.”*

There was little difficulty in understanding these allusions, and their connexion with the plot was rendered equally clear by the evidence of other witnesses who stated that four times in each year the adepts of the society went through a profane and blasphemous parody of the Christian Sacrament, when the Grand Judge administered bread and wine to them with this exhortation:—

“ Songé, pain z'autes ka mangé c'est viande beké ; di vin z'autes ka boué c'est sang beké.”†

Language of this kind could only be interpreted in one way and left no doubt either as to the intentions of those who used it, or of what would have been their acts had they succeeded in effecting their purpose. Of course the troops, aided by the militia, which at that time was in particularly good order, would eventually have gained the upper hand and restored tranquillity, but this would not have been effected without a great loss of human life and destruction of property. The prompt measures taken by the Executive averted these disasters ; they were certainly severe, but those who may be inclined to criticize them on that account must consider before doing so, how, under similar circumstances, they would themselves have acted, and what steps they would have taken, when the delay of a single hour or the

* “ The bread we eat
Is the white man's flesh,
The wine we drink
Is the white man's blood.”

Hé' St. Domingo, remember St Domingo.”

† “ Remember, the bread you are eating is white man's flesh ; the wine you are drinking is white man's blood.”

slightest sign of want of firmness might have brought misery, death and ruin upon hundreds of families whose lives and property the Government was bound to protect.

At the close of the examination of the witnesses the Governor stated to the Board, that considering the very serious emergency in which they found themselves placed he thought it would be undesirable to trust to the tardy action of the ordinary tribunals, which, though fully competent to deal with the case, were hampered by formalities which might create a dangerous delay. He had therefore taken the advice of his Assessor, Don Gaspar de la Guardia, who had informed him that by the Spanish law the Governor in Council was fully empowered to act judicially in matters of this kind.*

Acting in accordance with this opinion, the Council on the 18th of December proceeded to the formal trial of the accused.

Many amongst them were found guilty of "attempting to incite an insurrection amongst the negroes of the Colony," but as the degrees of complicity were found to vary, so also did the severity of the sentences inflicted. Four who were proved to have been the ringleaders were sentenced to be beheaded, to have their heads exposed in the Public Squares of the town and their bodies hung in chains in different parts of the Colony. On three of the four this sentence was carried out within twenty-four hours, the fourth being respited, as it was believed he would afford further information ; of his ultimate fate there is no record. Of the remainder, some were sentenced to have their ears cut off and to receive the severest flogging which in the opinion of the medical attendant at the execution, they could endure ; others had iron rings of ten pounds weight riveted on their legs to be worn for two years ; and *all* who escaped capital punishment were, in addition to their other sentences, banished from the Colony.

* The laws upon which the Assessor founded this opinion were not quoted, but it is perfectly clear that the words "in Council" were only used in order to associate the members of the Board with the Governor in the acts of the Executive on this special occasion.

Representing the Sovereign, the Governor *alone* (with his Assessor) had (as President of the Court of Royal Audience) a complete criminal jurisdiction from which there was no appeal. Already, however, the evil effects of the machinations of Fullarton were beginning to make themselves felt, and it can be no matter of surprise that Hislop was not sorry to share with his Council of Advice the responsibility of his acts.

To modern ideas these sentences will doubtless appear unduly severe, but regard must be had to the state of the society of the Colony at the time when they were inflicted. That they *then* met with approval may be gathered from the following letter quoted by the biographer of Picton. Mr. Robinson does not state by whom the letter was written, but there is no reason for doubting its authenticity :—

“Trinidad,

“19th December, 1806.

“ We had nearly experienced a rebellion of the negroes here and a general massacre of the whites, which, had it taken place, would have involved all the Windward Islands in general devastation.

“The explosion of such a volcano here as well as at St. Domingo would have completely overwhelmed not only the British but all the other Colonies. One of the Kings or Emperors, a negro of Shand's estate, has this day been executed in the Square of the town ; to-morrow six others of the Royal dynasty take their leave of this world, and the severest scrutiny is being made into the intentions of these nefarious conspirators.

“Colonel J. Gloster discovered the plot in the valley where he is Commandant, and made immediate communication of it to the Governor, who sent a strong detachment of Regulars in the dead of night and took all the conspirators into custody. Their uniforms and standards were found concealed.

“The Council has had a permanent sitting of eight days ; the universal solicitude of our excellent Governor, Lieut.-General Hislop, is above all praise. The project of these scoundrels was to get rid of all white men by grinding them in Mr. Shand's new windmill, and they were to cast lots for the white ladies. Not a child was to have escaped their fury. The plans of these monsters have fortunately been completely frustrated, and no injurious consequences are now apprehended.”

So strong was the feeling that a fearful catastrophe had been averted by the promptitude and energy of the Executive, that a special Thanksgiving Service was held in the Protestant Church on the occasion, when an appropriate sermon was preached by the Revd. Mr. Clapham for which he was officially thanked by the Governor and Council.

Shortly after these events the verdict of the Jury in Picton's case had been delivered in England and in due course of time became known in the Colony As may be supposed that verdict caused con-

siderable alarm to all who had taken any part in the recent proceedings, for if it were true that no law existed authorizing what Picton had done in the case of Luisa Calderon there was great reason to fear that their acts must have been equally illegal. These very natural reflexions resulted in a Resolution of Council that "steps should be taken to ascertain how far the Spanish law governed the Colony; whether there had been any special Code for the Island under its former rulers, and to what extent the recent acts of the Government were in accordance with the law."

In pursuance of this Resolution every person was examined whose experience could throw any light upon the matter, and the result of the enquiry was, that in the opinion of all these persons, the Spanish law which had existed at the capitulation was still in force and fully justified what had been done in the case of the threatened revolt. It was further stated that there never had been a special Code of Laws for Trinidad.

It may be fairly argued that men who had passed all their lives in the country, although not lawyers, were more competent to form an opinion upon a point of this kind than those to whom, however able and learned, the very titles of the Spanish Law Books were as unfamiliar as the language in which the books themselves were written, and it is therefore not surprising that what was found so hard to prove in Westminster Hall was admitted at once in Trinidad.

As a matter of fact there had never been but two Codes of Law in force in the American Colonies of Spain, for the Cédulas and Royal Ordinances which were published from time to time related chiefly to matters of Agriculture and Commerce, and neither repealed or altered the general law of Spain by which from their discovery until the year 1681 those Colonies had been governed. In that year a Code was drawn up by order of Don Carlos II., the reigning Monarch, called the "*Recopilacion de las Leyes de los Reynos de las Indias*," or "*Collection of the Laws of the Kingdoms of the Indies*," which, as its name denotes, was specially compiled for the Colonies. This Code was not intended to abrogate the law of the Mother Country, but contained such further enactments in accordance with the spirit of that law as the peculiar circumstances of the Colonies required. This

is quite clear from the preface or preamble, signed by the King, from which the following is an extract :—

“The Indies are to be governed by the laws contained in this Recopilacion ; where they are defective or silent, recourse will be had to what is laid down in the 2nd Law, 1st Title and 2nd Book of the same.”

The 2nd Law here alluded to is as follows :—

“The laws of Castille are to be observed in all cases not determined by the laws of the Indies.

“In all cases, matters and causes, the mode of determination and judgment of which cannot be found in the Recopilacion, or in the Cédulas, Regulations or Ordinances enacted for the Indies and not repealed, and those we may hereafter enact ; we do order and command that the laws of the realm of Castille be adhered to, conformably to the law of Toro, for the substance, resolution and decision of affairs and causes, as well as the form and order of the proceedings.”

The members of the Council no doubt felt somewhat relieved at the very unanimous expression of opinion that they had the law on their side, but their fears were only fully appeased when the result of Picton's second trial established beyond all doubt that Trinidad was governed by Spanish law, and therefore that any act which they, individually or collectively, could legally have performed before the capture of the Island, could with equal legality be performed by them now that it had become a British possession.

NOTE.—About twenty years later a Commission was appointed to enquire into the state of the laws in Trinidad, to the proceedings of which reference will be made in due course ; but the following passage which occurs at page 6 of the Report is quoted here, being conclusive as to what had been the law of the Colony from the capitulation.

“The Spanish laws, which are of authority in Trinidad, are such as were in force at the time of the capture of the Island and that have not since been repealed by the King of England. Of these laws there are some compilations and digests, viz. : the “Derecho Real de Castilla, the Fuero Viejo de Castilla, the Fuero Real de España, the Siete Partidas, Leyes de Estilo, Los Ordenamientos Reales, Nueva Recopilacion de Castilla, the Novisima Recopilacion, and the Recopilacion de las Leyes de las Indias.”—*Report of His Majesty's Commissioners of Legal Inquiry in the Colony of Trinidad, 1827.*



CHAPTER XIX.

THE prospects of Trinidad at the beginning of 1807 were gloomy enough. The Colony was already on the verge of bankruptcy, and now a new danger threatened its very existence as an agricultural settlement.

The persistent efforts of the philanthropists of Europe in behalf of the slaves were at last making themselves felt, and it was daily becoming more and more evident that the abolition of the Slave Trade, so far at least as the Colonies of Great Britain were concerned, was inevitable at no very remote date. This naturally caused very great alarm and anxiety amongst the planters and others whose fortunes were invested in West Indian property and nowhere with more reason than in Trinidad, which having only been thrown open to settlers since 1783 was very insufficiently supplied with labour.

Nor was there much likelihood of the deficiency being easily supplied. By an Act of Parliament which came into force on the 1st January, 1807, and which was intended to strike a serious blow at the Slave Trade, all British subjects were prohibited from being in any way concerned in, or accessory to the supply of foreign countries with slaves. This prohibition, intended to prevent the investment of British capital or the employment of British vessels and seamen in the foreign Slave Trade, and thereby to cut off a large portion of that commerce, was carried into effect by various regulations, the infringement of which involved very heavy penalties.

By an Order in Council of a date antecedent to this Act, the direct importation of slaves into the Colonies conquered by the British forces was prohibited. That Order, of course, could only come into operation when the vessels from Africa with the slaves arrived at the

conquered settlement, the power of the Crown extending no further. The Act of 1807, however, extended its provisions to the prevention of the trade for the supply of the conquered Colonies in every stage of its progress ; so that the importation of negroes into Demerara, St. Lucia, Tobago and Trinidad from any other Colony was put an end to.

Nor was this all ; many of the views put forth by Canning in 1802 when he spoke of Trinidad as "an Island of experiment" were now advocated by a number of influential persons in England, and that in a way which, in the opinion of the planters, was most detrimental to their interests. A pamphlet adopting and advocating these views had been published at that time in England under the ominous title of "The Crisis of the Sugar Colonies," in which the author went at some length into the question of slave labour in Trinidad. He proposed that the further introduction of slaves into that Colony should be absolutely forbidden. The argument used was the same as that which had been advanced by Canning, viz. : that if the lands of Trinidad were to be opened up by slave labour such a large number of slaves would be needed that a fresh impulse would be given to the Slave Trade. The writer suggested that the Crown lands should be granted only on condition of their being cultivated by free negroes either from the old Colonies or from Africa, who should be bound to serve their employers for a term of years at a fixed rate of wages. The power of inflicting corporal punishment within certain limits, was to be accorded to the employers, and Magistrates totally unconnected with the Island were to be appointed to superintend the working of this scheme and to enforce the regulations by which it was to be carried out.*

The author of the pamphlet further proposed that Trinidad should be made the "*entrepôt*" for British manufactures exported to South America and "a farm of experiment on which to work the problem of Negro Emancipation."

This scheme was most unfavourably criticized by a writer in the

* This may be looked upon as the first foreshadowing of the elaborate system of protected Immigration which, in many of the West Indian Colonies, has taken the place of slave labour.

Edinburgh Review who, alluding to the suggestion of importing free negroes from Africa, remarked :—

“The voyage across the Atlantic will neither change the colour of the Ethiopian, nor civilize him, nor alter his habits of indolence, nor inspire him with a love of voluntary labour. Trinidad will therefore be rapidly peopled with two classes of men—a handful of Europeans, and a multitude of Africans separated from the former by their complexion, their manners, their way of life; connected with them by no common ties, but subject to their dominion; labouring, that *they* may reap, or idle and dissolute and preferring plunder which is natural to them, before work, which they abhor. A moderate power of chastisement, and a right of pre-emption in the labour of their imported negroes is proposed as an encouragement to the planters. This will either lead to the dominion of the cartwhip, or induce the insurrection of the Africans. . . .

“ It is easy to foresee that the plan of our author, if carried into execution, will be attended with more danger than the slave system itself; that it would people Trinidad with two distinct races, which can never coalesce—the whites and negroes—two separate orders of men, whose interests are opposite—the oppressors and the oppressed; that the consequence will be a speedy subjugation of the least numerous part of the community, and a renewal in the Parian Gulf of those bloody scenes which were enacted a few years ago in St. Domingo.”*

Fortunately for all interested in Trinidad the scheme of the author of the “Crisis,” although very favourably received by a large portion of the English public, was never seriously adopted so that the forebodings of the *Edinburgh Review* remain but as words of warning. As such, however, they can still be read with advantage in a Colony like Trinidad where there is a large and yearly increasing labouring class whose habits are quite foreign to those of the rest of the population, who have a language of their own, and whose religion and customs are utterly at variance with those of the people amongst whom they work. In many ways the Asiatic Immigrants are very different to the African slaves, and still greater perhaps is the difference in the relations now existing between employers and employed to what they were eighty years ago, but nevertheless, the fact still remains that there is a very large body of labourers working on the estates of the Island in what cannot be honestly called freedom. Nor can it be denied that it has been found necessary to deal with these people

* *Edinburgh Review*, October, 1802, pp. 235–239.

with great caution and that there have been times when no little alarm has been caused by their combinations to resist their immediate superiors, combinations which fortunately have hitherto been confined to individual estates and have not been governed by any common principle.

To return to the state of affairs in Trinidad in 1807, when the problem of how to replace or supplement slave labour was first proposed to the planters for solution.

The correspondence between the Governor in Council and the Colonial Agent in London at this period shows how much anxiety was felt by all parties upon this most important question.

On the 7th February, 1807, Mr. Marryat wrote as follows :—

“ You will see by the public papers that the Bill for the abolition of the Slave Trade was passed on the second reading in the House of Lords by a very decided majority. Their Lordships heard counsel, but refused to hear evidence on the part of any of the petitioners.

“ Previous to the discussion I had a very long and satisfactory interview with Lord Eldon, who distinguished himself highly in the debate, and whose serious and conscientious character gave great weight to his arguments ; but in fact most of the Peers came with their minds made up upon the question, and decided rather by their feelings than their judgment. Lord Eldon made, and carried, a motion for laying before the House copies of all the letters from the Secretary of State from 1799 to 1802, holding out encouragement, protection and favour to such loyal inhabitants of the French Colonies as should settle in Trinidad. If these parties are prohibited from purchasing negroes to cultivate the lands they have cleared or purchased, they will be ruined in reward for their loyalty. This appears to me to be the strongest case for compensation that can be brought forward, though that of all the capitulants is entitled to very serious consideration ; and if we can once, on any ground, establish the principle, there will be no great difficulty in extending its operation ; but from the vehemence and precipitation with which Ministers press this measure, I suspect the Bill will be read a third time and finally passed before the letters can be laid before them.

“ However discouraging appearances may be, I consider it my duty not to relax in my endeavours to support the just claims of those whom I have the honour to represent, and shall present another Petition to the House of Commons when the Bill comes before them. By confining it more particularly to the point of compensation, the House may perhaps be prevailed on to hear evidence.

“ I am, &c.,

“ JOSEPH MARRYAT.”

The Petition presented to the House of Lords was thus worded :—

“To the Right Honourable the Lords Spiritual and Temporal, of the United Kingdom of Great Britain and Ireland in Parliament assembled.

“The humble Petition of the Planters, Merchants, Mortgagees and others interested in the Colony of Trinidad, whose names are hereunto subscribed, sheweth :—

“That your Petitioners feel the deepest alarm for the property they have invested in the Island of Trinidad, which from the peculiar circumstances and situation of that settlement, will be affected in a very different degree from property situated in any other of the British Colonies in the West Indies, should the Bill for the abolition of the Slave Trade now before Your Lordships be passed into a law ; and therefore in addition to the general objections which have been or may be stated against that measure by the West India planters and merchants collectively, they beg leave to submit the following facts, which particularly apply to the Colony of Trinidad.

“That the whole of the Sugar Estates in that infant settlement have been put into cultivation since the year 1783, when the Cedula holding out extraordinary encouragements for its commerce and population was first issued by the Court of Spain.

“That from the liberal grants of land made to settlers under the Cedula, of ten quarreés or thirty-five acres for every person of which their family consisted, and five quarreés or seventeen and-a-half acres for every negro of whom they were masters, together with an indefinite further quantity at the discretion of the Governor, according to the other property which they brought with them, the planters of Trinidad are possessed of very large tracts in proportion to the number of their negroes, and that when the Island was attacked by the British forces no resistance was made on their part, but that they readily submitted to the change of Government, confiding in the encouragement which the policy of Great Britain had ever given to the prosperity of her Colonies.

“That since the cession of the Island to the Crown of Great Britain many of the loyal French inhabitants of St. Domingo and Martinique have been induced to settle therein in consequence of the urgent invitations held out to them by His Majesty's Ministers, in which no mention was made of the intended abolition of the Slave Trade.

“That the planters of Trinidad of every description have been at very heavy expenses in clearing their lands and in erecting upon them expensive works and buildings necessary for the manufacture of sugar and the distillation of rum, looking forward to the period when the fruits of their industry should enable them by gradual purchases to acquire

a sufficient number of negroes to put the whole of their land into cultivation.

“That if this Bill should pass into a law, the lands thus cleared and purchased, and the buildings thus erected, would become of little or no value from the impossibility of cultivating the one or making the intended use of the other, and therefore this law would be just as oppressive in its operation upon the planters of this Colony as a law to prohibit labourers from being employed in the cultivation of the estates in any part of Great Britain would be to the owners of the said estates.

“That the Government of Spain has lately issued Cédulas inviting settlers to the Spanish Main by the offer of liberal grants of land, an open trade with all nations, the free importation of slaves, an exemption from taxes and from duties on exports and imports for ten years, advantages which, from the facility of the communication between the adjacent continent and Trinidad, should the Bill now before Your Lordships pass into a law, will be powerful temptations to the inhabitants to transport their negroes to the opposite coast, and thus to depopulate a British settlement to aggrandize those of the enemy.

“That from the number of negroes brought from St. Domingo, Trinidad is now particularly exposed to the contagion of those principles by the dissemination of which that once flourishing Colony has been rendered a scene of carnage, anarchy and desolation—a danger proved to exist by the plot fomented by those negroes for a general insurrection and massacre of the white inhabitants which was lately detected and frustrated by the vigilance and energy of the Governor, but the embers of which may be considered rather as smothered than extinguished, and may be expected again to burst into a flame when the Slave Trade is known to be abolished by the British Parliament, for it cannot be denied that the same principles which make it unlawful to use or deal with persons as slaves in any part not being in the dominions of His Majesty (as the Bill now before Your Lordships declares it to be) make it equally unlawful so to use or deal with them in any part whatever, and Your Petitioners are aware of no arguments by which they can hope to impress a contrary persuasion on the minds of the negroes.

“Your Petitioners therefore humbly pray that this Bill may not pass into a law, or that if it should, then that clauses may be introduced into it exempting Trinidad from its operation until the negro population shall have the same proportion to the quantity of land now actually occupied that it bears in the other British West India Colonies, and further providing that such compensation shall be made to the planters, merchants and mortgagees who may suffer by the consequences of this Bill, as their cases may hereafter be found to deserve, and that your Petitioners may be heard at the Bar of this Honourable House by themselves or by Counsel, and may be permitted to give evidence in support of the case they have to submit to Your Lordships’ consideration in such manner and at such time as Your Lordships may be pleased to direct.

“And your Petitioners shall ever pray, &c., &c., &c.”

The letters addressed to the Council by Mr. Marryat at this period are extremely interesting, not merely in connection with Trinidad, but as shewing the state of feeling amongst West Indian proprietors generally when the abolition of the Slave Trade was being agitated in England.

On the 19th of February, 1807, he wrote :—

“The particulars of the Resolutions moved by Lord Henry Petty in the House of Commons are ;—to grant a bounty on the exportation of raw sugar of 2s. per cwt., when the average price exclusive of duty is under 40s., and when it is under 45s. per cwt. to grant an additional bounty of 10s. per cwt. on the exportation of double refined sugar ;—to give some new facilities in the mode of exporting that article, and to encourage the consumption of rum by imposing an additional duty of 2s. 6d. per gallon on all foreign spirits. Ministers, however, seem apprehensive of giving umbrage to the landed interest by recommending the substitution of sugar for corn in the distilleries.

“The West India Planters and Merchants at a general meeting held on Tuesday last were unanimously of opinion that the measures acceded to by His Majesty’s Ministers were inadequate to the giving that effectual and immediate relief which the overloaded and depressed state of the sugar market required. . . .

“The Petition from Trinidad against the abolition of the Slave Trade will be presented this evening. The great argument urged against hearing evidence in the House of Lords was, that all the facts respecting the Colonies were already on their table ; but this does not apply to Trinidad, respecting which Island not a tittle of evidence has ever been before them. On this ground I think they ought to hear our witnesses ; whether they will or not is another thing. . . . They cannot plead as a precedent the House of Lords having refused to hear us by evidence, for I never asked permission to call for any, as a clause for compensation, being a money clause, could not originate in the Upper House. The decision of Parliament on this point will, I think, show whether or not their justice and humanity are divided in an equitable proportion between the blacks, and their fellow subjects of their own colour in the West Indies. . . .

“I have at last been assured that His Majesty’s Ministers are seriously occupied in deliberating upon a Constitution for Trinidad. The Attorney-General has returned the papers on the subject that were laid before him, and has given his opinion in favour of a Council and a House of Assembly rather than a Legislative Council, preferring experience to experiment, and therefore conforming to the form of Government established in the other Islands.”

Two days later, on the 21st February, he again wrote :—

“The House of Commons last night, after a debate which lasted

some hours, refused to hear evidence on the Trinidad Petition. The discussion, however, has not been without use, for Lord Howick admitted that the case as stated by the Counsel might hereafter, if proved by evidence, be a proper subject for compensation; but he contended that this consideration should not prevent the House from abolishing the Slave Trade, and that the proper period for hearing evidence would be when the extent of the injury received by the parties could be ascertained and their claims for compensation brought forward. Our Counsel stated that the population in some of the old Islands was nearly a negro to an acre of land, but that in Trinidad the proportion of negroes to the number of acres of land actually granted and occupied was only as one to seven; that the proportion of males to females was more than three to two, which rendered it impossible to keep up even the present population; and that therefore a great part of the lands for which the present occupiers had paid a valuable consideration expecting to be permitted to purchase negroes for their cultivation, would become useless and of no value if this Bill passed into a law."

Nearly eighty years have elapsed since these letters were written, and it may fairly be said that the predictions of both the opponents of the measure and of the abolitionists were during many years realized to a great extent.

It was urged by the advocates of the West India interest, both in and out of Parliament, that the West India Islands had been originally settled and had been cultivated, under a most perfect assurance that they would continue to receive supplies of negroes from Africa, and that were the Slave Trade abolished, then the cultivation upon which the very existence of the Colonies depended could no longer be carried on. They declared that this measure, if persisted in, must in a few years, diminish the value of property in the British West Indies and hasten the progress of rival Colonies in which the advantages of a full supply of negroes would still continue to exist. It would put an end to the source from which had hitherto been supplied the losses amongst the negroes caused by accident or disease, stop the completion of establishments already begun, and altogether prevent the extension of cultivation into the interior of the Islands, without which they could never either arrive at a state of security or reach the degree of wealth or splendour of which they were susceptible. Nor were these probable results all that the opponents of the measure dreaded. The bugbear of servile insurrection was once more invoked and with all its concomitant horrors was held *in terrorem*

over those, who having relations, friends or even fellow creatures in the West Indian Colonies, yet dared to advocate the abolition of the Slave Trade.

“From the moment that this Bill passes, every white man in the West Indies is sleeping on the edge of a volcano which may at any moment explode and shiver them to atoms. . . . The existence of a black power in the neighbourhood of the most important Island of the British West Indies affords a memorable and dreadful lesson, recorded in characters of blood, of the issue of doctrines, intimately, constantly and inseparably connected with the abolition of the Slave Trade. It is impossible to contemplate that volcano without the deepest alarm, nor to forget that its horrors were produced by well-meant but ill-judged philanthropy, similar to that which is the prime mover in the present question.”*

They denied entirely that the measure would even be efficacious, inasmuch as the Slave Trade would be still continued by the other nations of the world.

“To suppose that the partial stoppage of it in the British Dominions, that the prohibition to transport the 15,000 negroes who are annually brought to our shores, could have a beneficial effect, is ridiculous. So far from producing such a result, its tendency will be diametrically the reverse; it will drive the Slave Trade from the superior to the inferior channels; from the great merchants of Liverpool, who have done so much (in their own interests perhaps, but still have done so much) to diminish its horrors, to the Spaniards and Portuguese, who are as yet totally unskilled in its management and treat the captives with the greatest barbarity; as our own Colonies decline, from the stoppage of this supply of labourers, those of the other nations who have not fettered themselves in the same way will augment; the cultivation of sugar for the European market will ultimately pass into other hands, and we shall in the end find that we have cut off the right arm of our commerce and naval strength, only to augment the extent and increase the horrors of the Slave Trade throughout the world.†

The advocates of the measure, headed by Mr. Wilberforce, replied to these arguments, that something higher than any considerations of mere expediency—the dictates of justice—required that the Slave Trade should be abolished at once and for ever.

“‘This Trade,’” they said, ‘is the most criminal that any country can be engaged in. When it is recollected what guilt has been incurred

* Parliamentary Debates, vi., 386.

† Parliamentary Debates, vi., 979-993.

in tearing the Africans by thousands and tens of thousands from their families, their friends, their social ties, their country, and dooming them to a life of slavery and misery; when it is considered also that the continuance of this atrocious traffic must inevitably terminate in the ruin of the planters engaged in it, surely no doubt can remain that its instant abolition is called for by every motive of justice and expediency.'

" Let us then instantly abolish this infamous traffic, and we may then with confidence look forward to the period when the slaves, become in a great degree the natives of the Islands, will feel the benefits of the protection afforded them, and may be gradually prepared for that character, when the blessings of freedom may be securely extended to them. We look forward to the period when the negroes of the West India Islands, become labourers rather than slaves, will feel an interest in the welfare and prosperity of the country which has extended to them those benefits, and when they may be securely called on to share largely in the defence of those Islands in which at present they are only a source of weakness.

" The argument that if we do not carry on the Slave Trade, some other nations will, possibly with less commiseration for the sufferings of the captives, if admitted, would shake to their foundations every principle of public and private morality.

" This argument has not even the merit of being founded upon fact. If we abolish the Slave Trade, who is to take it up? The Americans have already preceded us in the race of humanity, and fixed a period in 1808 when the traffic is immediately to cease. How are France and Spain to carry it on when they have scarcely a ship on the ocean? Sweden never engaged in it. There remains only Portugal, and where is she to get capital to carry it on?

" The dangers, so powerfully drawn, as likely to result from this measure are really to be apprehended, not from it, but from another with which it has no connexion, viz., the immediate emancipation of the negroes.

" This it is said flows necessarily from the step now about to be taken. If you do not follow it up in this manner, you stop short half way in your own principles; in fact, the ulterior measure, if the first be adopted, cannot be averted. It is to be hoped, indeed, that this great step will in the end lead to the abolition of slavery in all our Colonies, but not in the way or with the dangers which are anticipated. On the contrary, it is here that another of the great benefits of the measure under consideration is to be found. By the effects of this measure it is to be hoped slavery will gradually wear out without the intervention of any positive law, in like manner as it did in a certain degree in the States of Greece and Rome and some parts of the States of Modern Europe, where slaves have been permitted to work out and purchase their own freedom, and as has been permitted with the happiest effects in the Colonies of Spain and Portugal. The dangers apprehended would, indeed, be real, if immediate emancipation were to be proposed, for that would produce horrors similar to those which have happened in St. Domingo;

but nothing of that kind is in contemplation ; on the contrary, it is expressly to exclude them and induce that gradual emancipation which is called for, alike by justice to the planters and the interests of the slaves themselves, that the measure under discussion is proposed."

Such was the language held by the opposite parties in 1807, and the lapse of time has proved that although neither the worst fears of the opponents of abolition nor the most sanguine expectations of its advocates have been completely justified, yet much that was predicted on either side has actually taken place.

For many years the gloomy forebodings of the West India proprietors were in most respects more than realized. The prophecy that the Slave Trade instead of ceasing, would but change hands, and in so doing only double its horrors, was verified to an extent far beyond what had been anticipated.

"Great and deplorable as were the sufferings of the captives in crossing the Atlantic in the large and capacious Liverpool slave ships, they were as nothing compared to those endured by the negroes in the hands of the Spanish and Portuguese traders, where several hundred wretches were stowed between decks in a space not three feet high ; and in addition to the anguish inseparable from a state of captivity, were made to endure for weeks together the horrors of the Black Hole of Calcutta."*

The fears of the opponents of the measure that the greatest difficulty would be experienced in finding a sufficiency of labour to carry on the cultivation of the estates, were fully justified, for, as if to ensure the verification of this prophecy, the transfer of slaves from one colony to another was prohibited, so that whilst some Colonies suffered from actual want of labour, there was capital lying idle in others, owing to a surplus population unable to obtain either work or wages.

The original promoters of the abolition of the Slave Trade certainly never intended that it should be immediately followed by the emancipation of the slaves, but its opponents were quite correct in their view that once it had become law the entire abolition of slavery throughout the British dominions must very soon follow as a

* Alison : History of Europe, vol. I., chapter 35.

matter of course. It was not however equally a matter of course that so important a measure, involving such vast commercial interests, should be hurried on with so little foresight that it ruined hundreds of families, blighted the prospects of many once flourishing Colonies and inflicted an immense amount of injury upon the very race it was intended to benefit, and from which that race is even now but slowly and partially recovering.

An author who cannot be suspected of a tendency to advocate slavery, M. Auguste Cochin, alluding to the Decree of the French Convention in 1794, which suddenly emancipated all the slaves in the French Colonies unconditionally and without distinction, makes use of expressions every word of which is applicable to the British Act of Emancipation of 1831. "*Ce Décret,*" he writes, "*livra sans transition l'enfant à l'abandon, l'adulte à la paresse, le vieillard au dénûment,*" and the English Parliament was more to blame than the French Convention, because with the terrible example of what had resulted in the French Colonies yet fresh in men's memories, it deliberately, in the midst of peace and with full time for reflexion, did what the Convention had done in the heat and excitement of the Revolution and amidst the din of battle.

The immediate results of the abolition of the Slave Trade justified the warnings and forebodings of those who opposed the measure. On the other hand, although later than they anticipated and in a very different manner to that which they expected, most of the objects of its promoters have been realized. The slave population no longer exists, and its place has been taken by a free and in almost every Colony a contented peasantry, which, so far as mere physical wants are concerned, can compare favourably with the labouring classes of any country in Europe. They certainly no longer constitute the weakness of the Colonies, and where they do not form their strength it is because they are not yet sufficiently prosperous to do so. As year after year passes by and the benefits of education are more and more felt amongst them, they will prove, what no unprejudiced man has ever doubted, that they are worthy of the efforts made in their behalf by Wilberforce and those who fought their battle under his leadership; and if this result has been longer in making itself evident

than the more sanguine of the abolitionists expected, it must be remembered that it is far easier to pull down than to build up. To sweep away slavery required but a majority in the House of Commons, but to teach the ignorant slave who had been compelled to work by fear of the lash that labour was not an indignity but an honour—to convince the half ruined slave owner that in the eyes of the law the black man was his equal, and that if he were alive to his own interests he would treat him as such, were not easy tasks ; these things could not be taught or learned in a day, and in the course of the necessary schooling much misery was experienced on both sides.





CHAPTER XX.

TEN years had now elapsed since the day on which the Capitulation had been signed, in virtue of which the dominion of Trinidad had passed from the King of Spain to the King of Great Britain. Those years, as the preceding chapters show, were far from uneventful and saw many changes both political and social. It now becomes necessary to record the material progress of the Colony during the same period.

Some reference has already been made to this, but the following figures will show more completely and accurately the relative conditions of Trinidad at the commencement of 1797 and the end of 1806:—

Population of Trinidad from 1797 to 1806.

| Year. | Whites. | Col'd. | Indians. | Slaves. | Total. |
|-------|--------------------|--------|----------|---------|--------|
| 1797 | 2,086 | 4,466 | 1,082 | 10,009 | 17,643 |
| 1798 | No Returns extant. | | | | |
| 1799 | 2,128 | 4,594 | 1,148 | 14,110 | 21,980 |
| 1800 | 2,339 | 4,408 | 1,071 | 15,012 | 22,830 |
| 1801 | 2,153 | 4,900 | 1,212 | 15,964 | 24,229 |
| 1802 | 2,222 | 5,275 | 1,166 | 19,709 | 28,372 |
| 1803 | 2,261 | 6,102 | 1,416 | 20,925 | 30,704 |
| 1804 | 2,561 | 6,802 | 1,416 | 20,925 | 31,084 |
| 1805 | 2,434 | 5,801 | 1,733 | 20,108 | 30,076 |
| 1806 | 2,274 | 5,401 | 1,697 | 21,761 | 31,133 |

In 1733, as already stated (Chapter I., p. 8), there were but 162

male adults (free) in the Island (not counting the Indians), and of these only 28 were white. During the succeeding half century but little increase had taken place, for in 1782 the population consisted of—

| | | | | | |
|-------------------|-----|-----|-----|-----|--------------|
| Whites | ... | ... | ... | 126 | |
| Coloured: Free... | ... | ... | ... | 295 | |
| | | | | | 421 |
| Slaves | ... | ... | ... | ... | 310 |
| Indians | ... | ... | ... | ... | 2,082 |
| Making a total of | | | | | 2,813 souls. |

It was only after the promulgation of the Cedula of 1783 that any perceptible influx of immigrants took place, and six years afterwards, in 1789, there were—

| | | | | | |
|-------------------|-----|-----|-----|-------|--------|
| Whites | ... | ... | ... | 2,151 | |
| Coloured: Free... | ... | ... | ... | 4,467 | |
| | | | | | 6,618 |
| Slaves | ... | ... | ... | ... | 10,100 |
| Indians | ... | ... | ... | ... | 2,200 |
| Total | | | | | 18,918 |

Between 1789 and 1797 there was very little alteration in these numbers, and the departure in the latter year of those who did not wish to take the oath of allegiance to the King of Great Britain reduced the number of inhabitants to 17,718.

There cannot be found any official Return showing the various nationalities of the settlers in Trinidad during the early years of the British occupation, but the following passage from an author already quoted will give a very fair notion of their curious variety :—

“ Perhaps there is not a local spot in the universe that can boast of such a medley of inhabitants: English, Scotch, Irish, Welsh, Spaniards, Germans, Swiss, Italians, Americans and French; the latter are the most numerous, having been particularly encouraged and regarded as favourites

by him (*Picton*).^{*} Indeed he has encouraged all denominations to settle in preference to the British, numbers of whom have been oppressed and banished."[†]

When we compare this passage with that other quoted from the same author[‡] in which he characterizes the British settlers as "scapehempes," we can scarcely wonder at some of them finding but scant favour at the hands of one, who having had the safety of the newly-acquired Colony entrusted to him, was little likely to overlook acts of insubordination because committed by British subjects. That the great bulk of the British new-comers were either English or Scotch is manifest from the names which are to be met with in all documents dating from the commencement of the century, and this would naturally result from the fact that the capture of the Island by the English had put an end to the obligation that all settlers should profess the Roman Catholic Religion. This fact is worthy of some attention as to it is traceable the gradual change in the policy of the Government of the Colony towards what came to be deemed the foreign section of the community, and towards the Roman Catholic Church.

That feeling of animosity against all foreigners—and more especially against the French, which had been traditional for centuries with the middle and lower classes of Englishmen, was in its full force at the end of the last, and commencement of the present century, and probably would have continued to the present day had it not been for the campaign in the Crimea. The caricaturists of the day exhibited the natives of France in every possible form calculated to provoke laughter and excite contempt, and chiefly sought to encourage the popular belief that every Frenchman was a frog eater and a coward. Nor did the fact that all Frenchmen were believed to be profligates and debauchees, who believed neither in God nor the Devil, prevent their being also held up to popular execration as benighted, priest-ridden Papists. So much indeed had religion (?) to do with the national feeling towards those who had come into the world on the

^{*} Evidently these were not the Republicans.

[†] McCallum's Travels in Trinidad (published in 1805), p. 23.

[‡] Chapter x., p. 36.

Eastern side of the Straits of Dover that the only foreigners tolerated in England were Dutch and German Lutherans.

The British settlers who flocked to Trinidad after the capitulation, belonged as a rule to a class whose prejudices formed part of both their religious and political creeds, and on their arrival they were disappointed and disgusted at the great respect and esteem in which Picton held the old Spanish and French colonists from amongst whom he selected his most intimate associates. Their irritation was by no means decreased when they found that the principal posts of trust were filled by foreigners* or by British subjects professing the Roman Catholic religion. This feeling induced the English party to side at once with Colonel Fullarton in his quarrel with Picton, and as will be seen, continued to exist for many years later. It varied in strength from time to time; becoming under certain political and social conditions intensified to a degree amounting almost to personal hostility between the different sections of the community; at others, subsiding until it was no more perceptible than is the gentle ripple of the sea upon the beach when a day of complete calm has succeeded to a destructive storm. The elements of discord were however always in existence, nor have they even yet entirely disappeared. The lines of demarcation between what have always been termed, though incorrectly, the French and English sections of the community are certainly not so clearly and rigidly drawn as they were fifty or even five and twenty years ago, but they still exist, and this fact should not be lost sight of by any one called to fill any important office in the Colony.

One consequence of that augmentation of population and increase of cultivation which had occurred since 1797 was a very great extension of the trade between Trinidad and the neighbouring continent; a trade which was all the more profitable to the merchants on account of the war between England and Spain.

The following Return of Imports and Exports will give some

* To Englishmen of a certain class every one not born in England is a "foreigner," and therefore an object of contempt.

idea of the extent of that trade and of the articles of which it then consisted:—

Abstract of Imports into Trinidad from the Spanish Main from 21st July, 1803, to 30th June, 1804.

| Launches. | Cargoes. | Value. |
|-----------|--|------------|
| 818 | In Specie | \$ 268,610 |
| | 1,600 head Cattle at \$40 | 64,000 |
| | 1,297 ,, Mules at \$64 | 83,008 |
| | Indigo (416 seroons) | 62,400 |
| | 697 bales Cotton | 41,820 |
| | 560 tons Lignum Vitæ | 8,900 |
| | 580 cwts. Tasajo * | 4,640 |
| | Hides, Cacao, Salted Fish, Goats, Hogs, Sheep, Cows, Poultry and Plantains } | 400,000 |
| | | \$ 933,378 |

* Beef dried in the sun.

From a certificate attached to this Return it appears that the whole of this sum together with some \$400,000 or \$500,000 more which was not regularly reported, was expended in the purchase of articles for exportation to the Main. Some further information with regard to this trade is also to be gathered from the two following letters:—

“ Port-of-Spain,
“ 1st July, 1806.

“ Sir,—Agreeably to Your Excellency’s directions, I have the honour of enclosing a statement of the Imports from, and a calculation of the Exports to, the Spanish Main, as accurately as possible.

“ It has been wisely thought proper to allow that trade to go on without the interference of the Custom House, and it has therefore been difficult to procure the exact information wanted as to the nature and value of Exports. The Harbour Master’s books furnish pretty accurately the Imports, which I have now the honour of enclosing for the years 1804–1805, and the first six months of 1806.

“ The only possible method of ascertaining the value of the Exports was by requesting some of the most respectable merchants concerned in the trade, to form some calculations of their own and other’s sales during

the period directed to be ascertained. It will be found that those calculations exceed that of the Return of Imports, but Your Excellency can easily explain to His Majesty's Ministers the causes of the difference.

"One of the greatest is in the article of specie brought here, as it is contraband to export it from the Spanish Main. They invariably report less than they bring; and indeed, they have many other reasons for concealing the value.

"The article of indigo is often diminished from the same cause—it is said more than one-half—and the exports of that article from hence fully prove it.

"ED. GARDINER,

"Dep. Naval Officer."

According to the Returns alluded to in the letter the value of Imports from the Main for

| | | | | |
|---------------------|-----|-----|-----|------------|
| 1804 was | ... | ... | ... | \$ 663,910 |
| 1805 „ | ... | ... | ... | 831,487 |
| 1806 (to 30th June) | ... | ... | ... | 527,380 |

The Report of the merchants as to the value of the Exports was as follows :—

"We the subscribers, merchants in Port-of-Spain in the Island of Trinidad, having been requested by His Excellency Governor Hislop to form some calculations of the exports of British manufacture from this Island to the Spanish Main, have taken every pains to ascertain the same; and are of opinion that the amount in the year 1804 was about \$850,000; in 1805 about \$1,000,000, and for the first six months of 1806 about \$650,000.

"We are also of opinion that seven-tenths of that value consists in cotton and linen manufactures—one-tenth in woollens and the other two-tenths in hardware, rum, &c.

"RIVERS, CAMPBELL & Co.

"WM. GRAY & Co.

"EDGAR LYON & Co.

"ECCLES & Co.

"Port-of-Spain, July, 1806."

With a trade so large as these figures indicate it might be supposed that the Revenue of the Colony would have at least sufficed to meet its expenditure. Such, however, was far from being the case. The only tax then levied was the duty of $3\frac{1}{2}$ per cent. upon all Imports and Exports (and from this the trade with the Main was exempt) and even that—at least so far as the Imports were concerned—was sys-

tematically evaded by the merchants in general. In Picton's time the Revenue accruing from this tax had been found amply sufficient, probably because it was thought it more prudent to pay than to run the risk of detection by one who had an unpleasant way of dealing with defaulters, which effectually prevented a repetition of the offence by the same individual and had a wholesome deterrent effect upon others. Indeed, so much was in those days collected from this source, that in a despatch to Mr. Secretary Dundas, dated 10th May, 1799, the Governor reported that he did not require to levy more than $1\frac{3}{4}$ per cent. to raise the necessary Revenue to carry on the Government. In 1803, however, when the expenses of the Commission Government had plunged the Colony into debt, Lord Hobart, then Secretary of State for the Colonies, issued instructions that the full amount of the Tax should be levied. This order did not produce the anticipated effect, for on the 31st December, 1806, the Colonial Government was in debt about £4,000 sterling and there was no likelihood of the sum being diminished.

As an instance of the manner in which the Colonial Revenue was defrauded, the case may be mentioned of the ship *Mary*, which was especially reported by General Hislop to the Secretary of State in 1806. The invoice presented at the Custom House upon which the $3\frac{1}{2}$ per cent. duty was to be calculated, stated the value of the cargo of that vessel at £1,831 sterling. This sum appeared to be so low that suspicion was aroused, and on enquiry the true value was found to be in excess of the one first presented by no less a sum than £6,000 sterling!

One result of this state of things was the inability of the Government to pay its officers who remained without their salaries for months and even years, as the following instance will show.

In July, 1806, Mr. Clapham the Anglican Minister of Port-of-Spain, presented a petition to the Governor in Council shewing himself to be a creditor of the Government for no less a sum than \$7,000 (£1,500) on account of arrears of salary, and praying for at least part payment! His claim was at once recognised, but all that the Council could do for the Reverend gentleman was to give him

two Bills of Exchange for \$500 each and to instruct the Treasurer to honour any *small* orders of his *whenever he could do so*.*

This appears to have been rather a hard case, but Mr. Clapham did not suffer any great personal inconvenience from the delay in the payment of his salary for he had property in the Island and apart from his official stipend his cure was a lucrative one.

The case of Captain Colombine of the Royal Navy was in some respects much harder. That officer being on the station shortly after the conquest of the Island by the British, had made a survey of it, and in recognition of his services the Council in June, 1804, had voted him the sum of five hundred guineas. He was well aware that at the time the Colony could not pay such an amount but accepted the will for the deed until more prosperous times. In 1807, being in Europe and probably requiring money, he drew upon the Governor for the five hundred guineas, which were then something more than three years due. General Hislop laid the matter before the Council and the Colonial Treasurer was called upon to state whether he was able to honour Captain Colombine's draft. The answer of the Treasurer was short, if not satisfactory. Under date 18th November, 1807, he reported that he was "extremely sorry to inform the Board that there was not then, and had not been for a considerable time past, the value of five shillings in the Colonial chest."†

From the Official Records laid before the Council it appears that on the 31st December, 1806, the debit balance against the Colony was £10,866.

This forlorn state of affairs was perfectly well known to the Home Government, to whom frequent representations had been made upon the subject. The difficulty was greater however than possibly the Governor and Council of Trinidad were aware of, involving as it did a serious question of Constitutional Law. This appears to have struck the Attorney-General, Gloster, for in July, 1807, he forwarded a case to the Governor to be submitted to the Law Officers of the Crown in England.

* Minutes of Council, 30th July, 1806.

† There is no minute as to how Captain Colombine's claim was settled, but the sum was eventually paid.

After referring to Jamaica, in which Colony a somewhat similar difficulty had arisen in 1680, he made the following observations as occurring to him in relation to Trinidad :—

“ 1. That if the power of making laws for a conquered Colony existed in the Crown, the Capitulation did not appear to restrict the exercise of it.

“ 2. That the cession of the Island by the Treaty of Amiens did not appear to have altered that right specifically, but that it might be worth enquiring whether yielding to the British nation by treaty made any, and what alteration in the King's original title of acquisition by conquest.”

The Attorney-General further stated that in no instructions to the Governor which he had seen did the King abandon any of his rights over the Colony, nor had he in any way taken from it the designation of a conquered Colony, nor had he placed it on an exact footing with the other West Indian possessions, except so far as this was done by the Proclamation of Sir Ralph Abercromby and Admiral Harvey on the 26th February, 1796 ; he also cited the case of *Campbell vs. Hall*,* in which Lord Mansfield had held, that where the Crown has not precluded itself from legislative authority over a conquered province, it has a right to exercise that legislative authority, a decision which had not been overruled. He recommended that if it should be decided by the Law Officers that the King had that right, then that a duty of $3\frac{1}{2}$ per cent. should be laid upon Exports, $2\frac{1}{2}$ per cent. upon Imports being British manufacture, and 4 per cent. on rentals of houses in towns and villages, together with a Poll Tax in the following proportions, viz. :—

| | | |
|------------------------------------|-----|---------------|
| Upon whites ; annually per head... | ... | 20 shillings. |
| „ coloured persons ; „ ... | ... | 30 „ |
| And upon slaves | ... | 5 „ |

In the event of its being decided that the King had no right inherent in him to legislate and raise taxes by virtue of his prerogative, then it would be necessary that a constitution and form of government should be framed for the safety and existence of the Colony, as without funds it was impossible to carry on the Government and

* Cooper's Reports, vol. I., p. 204.

pay the salaries of its officers, together with the stipends of the Clergy of the Protestant as well as of the Roman Catholic Church.

The case submitted by the Attorney-General was the following:—

“The Island of Trinidad capitulated on the 18th day of February, 1797, and was allowed, not by the capitulation, but by a subsequent Proclamation of the British Commanders, the enjoyment of the Spanish laws as theretofore, which laws are still in force.”

On the 26th February the Commanders issued the following Proclamation:—

“By their Excellencies Sir Ralph Abercromby, K.G.,
and Henry Harvey, Esq., &c., &c., &c.

“Whereas by Articles of Capitulation concluded between His Excellency Don José Maria Chacon, His Catholic Majesty’s late Governor, and ourselves, bearing date the 18th day of February, 1797, this Colony has become subject to Great Britain; we have thought fit, by virtue of the powers and authorities in us vested, to publish this Proclamation, thereby permitting and allowing, that from and after the publication thereof until His Majesty’s pleasure shall be known, all his loving subjects therein may lawfully trade to and from such places as are in His Majesty’s possession, subject to the same duties, rules, regulations, conditions, restrictions, penalties and forfeitures to which the trade to and from His Majesty’s Colonies, Plantations and Islands is or shall be subject by law. But nothing herein contained shall extend to prevent the importation in American and other neutral bottoms belonging to the subjects of any power at amity with His Britannic Majesty, of provisions, cattle, grain, and wood of all kind from the United States of America, so long as the same shall be allowed in pursuance of, and under the terms of the treaty now existing between Great Britain and the United States of America.

“It is further ordered and declared that all commodities of the growth, produce or manufacture of the said Island shall be shipped to Great Britain, Ireland or any British plantation in British ships navigated according to law.

“And it is further ordered and declared that no produce shall be exported in foreign bottoms except what may be deemed absolutely necessary in return for provisions, and that only to the amount of such provisions.

“Given under our hands and seals, &c., &c., &c.,

“R. ABERCROMBY.

“By Command,

“HENRY HARVEY.

“FREDCK. MAITLAND, Secretary.”

“The following day Sir Ralph Abercromby appointed a Superintendent or Collector of Customs, and gave him the following orders:—
‘To demand and receive the duty of $3\frac{1}{2}$ per cent. upon all Imports and

Exports: the $\frac{1}{4}$ per cent. of this duty being as heretofore for the maintenance of the Cabildo, the Superintendent is to account to them accordingly.'

"The British Commanders conceived that the $3\frac{1}{2}$ per cent. duty was levied upon Exports and Imports by the Cédulas or Orders of the King of Spain, and under this idea they adopted it and ordered it to be paid, not recollecting their own Proclamation of the day before, in which it is expressly said that the trade of Trinidad was to be 'subject to the same duties, rules, regulations, conditions, restrictions, penalties and forfeitures to which the trade to and from His Majesty's other Colonial Plantations and Islands in the West Indies were subject by law.'

"The fact is well established that His Catholic Majesty in his Council of the Indies did, and could legally, levy taxes throughout his American dominions, but the tax of $3\frac{1}{2}$ per cent. now levied in Trinidad does not appear to have existed under any Order or Cédula of the King of Spain that can be found. . . .

"His Majesty's instructions to Governor Picton and his subsequent instructions (No. 13) to Governor Hislop state that the same duties, taxes and revenues paid by the inhabitants to His Catholic Majesty shall be paid into the hands of the Receiver-General for the use of His Britannic Majesty, and by a specific order in writing during Lord Hobart's superintendence of the Colonial Department, Governor Hislop was strictly enjoined to cause the duty of $3\frac{1}{2}$ per cent. to be levied within the Island of Trinidad upon Exports and Imports. In consequence of which, such duties have been paid, but with much reluctance, particularly by the merchants importing goods of British manufacture."

The following questions are therefore submitted:—

"1. Is the tax so levied a legal tax and such as should be now levied?

"2. If not, has the King, notwithstanding the Proclamation of the Commanders of the 26th February, 1797, and the cession of the Colony by the Treaty of Amiens, a legislative right to levy taxes in Trinidad by Proclamation under the Great Seal, by his Sign Manual, or by his orders or decrees in the Privy Council (a legal right exercised by the King of Spain in his Council of the Indies), or in any other manner, without the sanction of Parliament?

"ARCH. GLOSTER,
"Actg. Attorney-General."

This document was forwarded to Mr. Marryat the Colonial Agent in order that it might be brought under the notice of the Minister, and on the 8th October, 1807, Mr. Marryat wrote to the Governor and Council as follows:—

"Gentlemen,—By the packet I received, under cover of a letter from Mr. Gloster, dated August 4th, a copy of his letter of July 26th to

Governor Hislop respecting the financial situation of the Colony, and copies of a case and various documents connected with that subject which he recommended should be submitted to the consideration of the Law Officers of the Crown. On looking over these papers I thought it probable that His Majesty's Ministers would rather give the Colony a Constitution at once than resort to the exercise of the King's prerogative, and being satisfied that the most effectual way of procuring immediate attention to the business was to address the higher powers, I waited on the Chancellor of the Exchequer, but he being out of town, I wrote to him at Lord Northampton's and enclose you copy of my letter and of his answer. By his letter of this morning you will see that my object of saving the time that would necessarily have been occupied in procuring the opinions of the Judges and the other Law Officers (which probably would not have been obtained these twelve months) has been effectually accomplished, as the Chancellor of the Exchequer has made up his mind on the legal point that was to have been referred to them, and will immediately confer with Lord Castlereagh upon the subject, to which I shall again call their attention as soon as I decently can.

"You will observe by the former part of his letter that whatever applications you wish me to enforce should be made by the Governor to Lord Castlereagh in the first instance, which does not appear to have been the case with your address on the distress of the Colony in consequence of the Proclamation prohibiting the barter of sugar for provisions and lumber with American vessels.

"I have the honour, &c., &c.,

"JOSEPH MARRYAT."

(ENCLOSURES IN THE FOREGOING.)

Mr. Marryat to the Right Hon. Spencer Perceval.

"Bucklersbury,

"October 1st, 1807.

"Sir,—The consideration of the affairs of Trinidad is now rendered absolutely necessary by the state of the finances of that Colony; the $3\frac{1}{2}$ per cent. duty on Imports and Exports being very inadequate to defray the expenses of the Government, and the Governor in Council having no authority to impose any additional taxes. Governor Hislop has written on this subject to Lord Castlereagh and enclosed various papers, with a request that they may be submitted to the consideration of the Attorney and Solicitor-General. Copies of these papers have also been transmitted to me with a request that I will endeavour to expedite the answer. This I trust I shall most effectually do by sending them to you, being persuaded that you will not think it necessary to take the opinion of the

Law Officers of the Crown whether His Majesty can by his prerogative impose taxes on the inhabitants of Trinidad treating it as a conquered country, when the alternative is before you of enabling them to tax themselves by giving the Colony a British Constitution.

"In the last conversation I had the honour of holding with you, you intimated your intention of sending for a late publication entitled 'A Political Account of Trinidad.'

"In order to correct some of the errors and repel some calumnies contained in that work, I have turned reviewer, and send you the *Review* containing the first part of my critique and the unpublished part in MSS.; the latter containing my sentiments on the Constitution of Trinidad. I am aware of the presumption that may be imputed, in offering you my opinion of laws and constitutions; but Cicero has furnished me with an apology—'*Te ipsum moneo, quamquam non eges consilio, quo vales plurimum: tamen etiam summi gubernatores in magnis tempestatibus a victoribus admoneri solent*' and a ten years' residence in Grenada where two different systems of policy towards adopted subjects were tried, enable me to speak of their effects from practical experience.

"I wish to advise my constituents by the next packet whether any mitigation of the rigour of the Order in Council prohibiting them from bartering sugar with the Americans in exchange for provisions may be expected, and to assure them, that the situation of the Colony as to its future Constitution, is under the consideration of His Majesty's Ministers. Permit me therefore to request either an interview at any time that may suit your convenience, or a few lines from you on these subjects before Wednesday next.

"I have the honour, &c., &c., &c.,

"JOSEPH MARRYAT."

2.

Hon. Spencer Perceval to Jos. Marryat, Esq.

"Castle Ashby,

"October 4th, 1807.

"Sir,—I received your letter with its inclosures at this place and beg to return you my best thanks for them. I shall be in town on Wednesday next and will endeavour to send you the answer in time for the post on that day.

"I have inquired frequently at the Secretary of State's Office, and at the Privy Council, in expectation of hearing that the Governor of Trinidad had forwarded a similar application to Government, to that which you presented to me some time since, but none such has been received.

"I have, &c.,

"SP. PERCEVAL."

3.

The same to the same.

"Downing Street,

"October 8th, 1807.

"Sir,—I have made frequent enquiries since you did me the honour of calling on me, both at Lord Castlereagh's office, and at the Privy Council, to know whether any such application as that which you forwarded to me from Trinidad had been received from the Governor, but I cannot find any trace of it, and it is a matter of great difficulty for the Council here to exercise their own discretion of suspending the course of the law in a distant Colony on the supposition of a strong necessity existing at the time for it, which necessity is not reported to them by the Governor.

"Under any circumstances, however, I fear the great object which your correspondents and yourself seem so anxious about; viz.: the liberty of paying the Americans for their provisions, lumber, &c., with sugar to be exported in American ships could not be acceded to without immediately granting the same indulgence to all the Islands and breaking in upon a most important part of our Colonial system as far as the interests of British navigation are concerned.

"Upon the other point of your letter respecting the new Constitution for Trinidad, I have not since my return to town had any opportunity of talking to Lord Castlereagh upon that subject.

"Upon the legal point, however, of the King's authority to legislate for the Island individually, I certainly entertain no doubt.

"I have, &c., &c.,

"SP. PERCEVAL."

Mr. Marryat to the Governor and Council.

"Gentlemen,—I had another interview with the Chancellor of the Exchequer the day before yesterday, who tells me that Lord Castlereagh and himself have taken the situation of Trinidad into consideration, though they have not yet actually decided what measures to adopt for the future government of that Colony, and the relief of the financial difficulties under which you at present labour. I stated these difficulties to be such as required an immediate remedy, as was evident from the nature of the Colonial Revenue depending on the value of the Imports and Exports, the latter of which were reduced 2-3rds by the fall in the value of sugar from \$8 to \$21½ per cwt., and the former in the same proportion, as people could only purchase to the extent of their means of payment. He admitted the exigency of the case and assured me that it should be

attended to without delay. No time will be lost in consulting the Law Officers of the Crown, for the Chancellor of the Exchequer, who was lately himself in that capacity, is decidedly of opinion that the King has the power of taxing the Colony till it has received a British Constitution, after which that power ceases.

“He says some difficulties exist at the present moment in giving the Colony a Constitution, and should it require much time or pains to remove them, with the impression that seems to prevail in his mind, I think it likely that the exercise of the King’s prerogative will be resorted to in the first instance. At any rate you have the satisfaction of knowing that the situation of the Colony is now fairly before His Majesty’s Ministers and will be attended to in some mode or other.

“I remain, &c., &c.,

“JOS. MARRYAT.”

In Trinidad it was thought that the Colony, by Sir Ralph Abercromby’s Proclamation of 26th February, 1797, was entitled to exemption from the effects of the Order in Council which prohibited the barter of the Island grown sugars for American produce, but this claim was found to be valueless, as will be seen by the following letter :—

Mr. Marryat to the Governor and Council.

“Gentlemen,—I am favoured with yours of November 1st. On taking professional advice I find that Sir Ralph Abercromby’s Proclamation gives the Colony no legal claim to the privilege of bartering sugars with the Americans for their supplies.

“This Proclamation was only a temporary Regulation for the government of the Colony till its fate should be finally decided by a Treaty of Peace and its prospective operation can be construed to extend no further. In urging the renewal of this privilege, I availed myself of all the arguments detailed in your correspondence, but without success. However, the greater the distress of the Colony the stronger the claims for relief.

“You desire me to spare no expense to obtain redress and assure me of reimbursement. Since I have had the honour of acting as agent for Trinidad I have spared neither expense nor exertion on any occasion in which the interests of the Colony have been concerned, and have hitherto been silent on the subject of reimbursement from a conviction of the pecuniary difficulties under which the Colony laboured. I trust, however, that you will not now think me premature in asking for such a remittance on account of my salary and disbursements as the state of

your finances enables you to make, and as will place me on a footing, in point of arrears, with your other public functionaries.

"Now the Christmas recess is over and business is again attended to, I shall renew my enquiries about the new Constitution.

"His Majesty's Ministers have given one proof that they bear it in mind, for the office of Chief Judge has been given away by Lord Castle-reagh to Mr. Smith, late Chief Justice of Grenada, who came home to apply for the vacant situation of the Judge of the Admiralty at Barbados, but finding the office disposed of before his arrival, he applied for the Chief Justiceship of Trinidad, in preference to resuming that situation in the Island of Grenada.

"I remain, Gentlemen, &c., &c.,

"JOS. MARRYAT."

This letter shews clearly that the finances of the Colony were in a very depressed state. Mr. Marryat continued to urge upon the King's Ministers the deplorable condition of the Island from want of funds, but several years were allowed to pass before any steps were taken to remedy this most unsatisfactory state of affairs.

From a Report of a Special Committee of the Council which is entered upon the Minutes of the Board, the financial position of the Colony on 31st December, 1807, was :—

| <i>Dr.</i> | | | <i>Cr.</i> | | |
|------------|--------------------------|-----------------|------------|----------------------------------|-----------------|
| 1807. | | | 1807, | | |
| Dec. 31. | Salaries paid to date... | £ 11,170 | Dec. 31. | Amount of the $3\frac{1}{2}$ per | |
| | Balance in chest ... | 5,230 | | cent. duty on Im- | |
| | | | | ports and Exports | } £ 16,000 |
| | | | | for the year | |
| | | | | Sale of old Govern- | } 400 |
| | | | | ment House (first | |
| | | | | instalment) | |
| | | <u>£ 16,400</u> | | | <u>£ 16,400</u> |
| | Due Treasurer on } | £ 5,237 | | Balance brought down | £ 5,230 |
| | 31st Dec., 1806 } | | | Balance Dr. 31st } | 827 |
| | His salary to 31st } | 800 | | Dec., 1807 } | |
| | Dec., 1807 } | | | | |
| | | <u>£ 6,057</u> | | | <u>£ 6,057</u> |



CHAPTER XXI.

IT will be remembered that during the first few months of Picton's Government a large number of free people of colour had left the Island in preference to taking the oath of allegiance to the King of England. Those who remained soon settled down and shewed themselves to be good and peaceable subjects.

The efforts made by Chacon to secure for them under their new rulers the same privilege as they had enjoyed under the Spanish flag had been so far successful, that although not treated as well socially as had been formerly the case, and now subjected to regulations and restrictions which were clearly against both the letter and the spirit of the Capitulation, they were still far better off in Trinidad than they would have been in a Colony under either English or French law. Their loyal conduct in 1803 has been already described, and goes far to prove that they felt the advantages of their position, and as soon as the intended revolt of the slaves in 1806 became known they presented an address to the Governor expressing in the strongest terms their abhorrence of the projected crime.

With the language and tone of this address the Governor and Council were so highly pleased that the following Resolution was at once unanimously adopted and ordered to be entered upon the Minutes of the Board as a proof of its appreciation of the feelings by which it had been inspired:—

*“ Resolved—*That the loyal, steady and uniform good conduct of the free people of colour had not escaped the notice of His Excellency and the Board, and which it was intended very shortly to express in a public manner.

“ That the Board has read with sentiments of the most unmixed satisfaction the professions of loyalty, zeal and affection which they

express towards His Majesty's Government, as also of their detestation of those nefarious attempts which, but for the prompt and effectual measures which have been taken to defeat the same, might have involved this valuable Colony in all the horrors which have so long been the scourge, and will shortly end in the total destruction, of St. Domingo.

"This Board therefore has great pleasure in requesting that His Excellency will join their public acknowledgment to his of the uniform good behaviour exhibited by the free people of colour of this Colony, and their perfect confidence that they will not fail upon all occasions which may occur to realize to their utmost extent those sentiments of loyalty and attachment to their King and Country which they have so properly and feelingly expressed."

When this Resolution was passed the number of the free people of colour had greatly increased ; the white population only numbering about 2,000 souls, whilst they were nearly three times as numerous.

Amongst them were to be found many men of wealth and education fully able to appreciate the great advantages they as a class enjoyed in a Colony belonging to Great Britain, but ruled according to Spanish law, or rather according to special provision made for its government by the King of Spain. They knew by bitter personal experience that in the English and French Colonies the free coloured man although free *in name*, but was in many respects worse off than the slave, whilst in Trinidad he enjoyed all, or almost all, the rights accorded to the white settlers. One grievance they certainly had to complain of, which at the present day would seem intolerable but which does not appear to have affected them very much,—they were treated as a class apart, both officially and socially, and were thus always reminded of the difference which existed between themselves and the other sections of the community. Thus it would not have been sufficiently descriptive to characterize one man as a free man and another as a slave ; it was understood that whilst the white man was of course free, the one of darker hue must be specified as "a free man of colour" in order to show that although from his complexion he might appear to be a slave, still as a fact he was free. This was undoubtedly a grievance, but it was not one to which much thought was given in those days ; and it is beyond a doubt that whatever may have been the policy of Spain elsewhere, in Trinidad, ever since the introduction of the Cedula of 1783, the people of colour had been treated with all

kindness and consideration, and allowed almost every privilege enjoyed elsewhere exclusively by whites. Chacon even went so far as to grant to them Commissions in the Militia, and the only excuse that can be offered for the very different course pursued in this respect by his British successors is that, in doing so, he had broken the letter of the Spanish law, which they chose in this case to follow strictly.

Although the British conquerors could not so deliberately violate the Capitulation as to introduce all the vexatious regulations which existed with regard to the people of colour in those Colonies blessed with what was called a British Constitution, nevertheless the latter soon found out that the change of rulers had not been to their advantage. It was not so much that any difference was made in their legal status, which indeed could hardly have been effected, but laws formerly interpreted in the most lenient manner as far as they were concerned, were now read in their strictest sense, and they were treated by the new comers with a *hauteur* and disdain to which they had been wholly unaccustomed under the mild and paternal government of Chacon.

According to the Spanish Code they were legally subject to many hard regulations and placed at a disadvantage with regard to their white fellow colonists; but whether acting on instructions from Madrid or merely following the dictates of his own heart, Chacon had for years suffered these laws to fall into abeyance, and the coloured people were at first fully persuaded that the same line would be observed by his successors. Scarcely three years however had passed when, in the "Instructions to Commandants of Quarters" issued by Picton, the following severe regulation amongst others of a similar tenour was made concerning them :—

"Any free coloured proprietor wishing to give a dancing party in the night must first obtain permission to do so from the Commandant of the Quarter; they are forbidden under the penalty of a fine of \$25 to admit any slave to the party."

It was also entirely from amongst the free coloured people that the *Alguaciles* or police were taken, no white man being called upon to undertake what was deemed a very distasteful duty.

These regulations show clearly the vast difference which those in authority desired to establish between the white class and the free people of colour, and it cannot be denied that such a distinction was an innovation, and an actual infringement of the terms of the Capitulation.

Under these circumstances it is no wonder that the free people of colour, finding that strenuous efforts were being made to abolish the Spanish law under which they had so long lived in ease and comfort, became seriously alarmed, especially when they saw that in the scheme proposed for the introduction of British laws no provision was made by which they would be secured the position guaranteed to them at the conquest, and which had already been much altered for the worse. They decided therefore to present an address to the Governor on their own behalf. This address is reproduced at full length, because it is essential that the modern reader should fully understand the relative social positions of the different parties in the Colony in the early days of British Rule:—

“ His Majesty’s dutiful, loyal and affectionate subjects (both natural and adopted), the coloured inhabitants of this Island, humbly approach Your Excellency with sentiments of high and unalterable respect and consideration, not only appertaining to Your Excellency as the representative of our August and benevolent Sovereign, but flowing voluntarily from their hearts, the spontaneous tribute of unfeigned gratitude for the benefits they have uniformly experienced under Your Excellency’s mild and humane administration, which has proved incontrovertibly how much the personal virtues of a chief must ever operate to soften and ameliorate the severest system of political regulations.

“ The people of colour, comprising by far the greatest part of the free population (and possessing no small proportion of the property of the Colony which Your Excellency has long governed, so much to your own honour and to the satisfaction of its inhabitants) have always been actuated by every motive of loyalty and affection to their Sovereign and attachment to the soil in which their families are fixed and fortunes are embarked. Penetrated with respect for the constituted authorities, friends of order and lovers of their country, they travel through the gloom of political humiliation with submission, patience and fortitude, still contributing by their industry to the resources of the State, and constituting in their persons a prominent part in the defence and security of the Colony.

“ They flatter themselves that they have invariably manifested the strongest sense of duty as good and faithful subjects of their Sovereign,

and they dare even appeal to the high testimony of Your Excellency in support of their humble pretensions to this character.

“ Conscious of the rectitude of their intentions and of the faithful discharge of their duties as members of society, they are inevitably led to serious contemplation of the situation in which it is their fate to be placed in that society ; and with every tender and delicate consideration towards all the circumstances connected with that situation, they cannot avoid perceiving that at a moment when the feelings and pursuits of their fellow colonists are ardently and actively employed in projecting and soliciting new systems of Government and political regulation from the Parent State (in which not only the comfort and happiness of His Majesty’s subjects of colour are entirely overlooked but the very existence of such a class appears to be forgotten), it becomes their duty to employ such means as appear to them necessary (and at the same time consistent with the principles of order, respect and obedience towards the Government, which they profess to act upon and from which they will never be found deviating) to awaken the reflection that there exists in this Colony a numerous, opulent and useful class of free subjects who are entitled to *something*.

“ With such impressions they are anxious (in their turn) to draw near the Throne and sacred Person of their Sovereign, in order to lay at his feet with due deference and humility, such representations as the peculiar state of their existence in this part of his extensive Empire renders of indisputable necessity.

“ To obviate any improper impressions which may arise from such proceedings, to anticipate any misconception of their views and motives, and above all to demonstrate their undoubted confidence in Your Excellency’s honour, integrity and impartiality, they have declined any secret proceedings in a transaction so deeply connected with their interests and happiness, and consequently feel desirous of conducting this most interesting undertaking with all that candour, openness and publicity which are due to Your Excellency’s authority and which peculiarly belong to transactions originating in conscious purity of motives.

“ They therefore humbly pray that Your Excellency will be pleased to permit them to prepare and transmit to their Gracious Sovereign a dutiful, loyal and affectionate address imploring him to take into his Gracious consideration the present state of existence of his faithful subjects of colour in the Island of Trinidad, and to extend unto them, under whatever system of jurisprudence His Royal wisdom may deem most expedient for the future government of the Colony, such a participation in its operation as may secure to them (on a permanent and inviolable footing) their personal security and social happiness.”

To the promoters of this address the following communication was sent :—

“ His Excellency the Governor having under consideration the Petition of the coloured inhabitants, is desirous of being informed of the

distinct objects to which their views are directed in their wish to address the Throne, in order to enable him to frame the answer to which their Petition may be entitled.

“ THOS. WALKER,

“ Government Secretary.”

The object of this memorandum was evident : it was a device to force the people of colour to come forward with claims which would of course be represented as dangerous, subversive of what was called the Colonial system, and such as could not with safety be entertained.

Those, however, who were at the head of the Committee of the free people of colour were too intelligent and too much in earnest to be caught in such a trap, and they replied as follows :—

“ Sir,—The persons of colour charged with expressing to His Excellency the sentiments of that body have the honour to say in answer to your note, that their object (at this moment when a new system of laws is framing for the government of the Colony) is to implore the consideration of their Sovereign towards the general interests of his coloured subjects with a view to such a moderate and consistent plan of improvement in their condition as it may appear susceptible of.

“ As they have always considered that any specific claims or pretensions on their part would be highly unbecoming, they have never entertained or encouraged any discussion on such subjects.

“ We remain,

“ Your obedient Servants,

“ DESIR FABIEN.

“ WM. VESPRAY.

“ JNO. WELSH HOBSON.

“ July 7th, 1810.”

This manly, straightforward and thoroughly respectful reply came from the representatives of a large and important class in the community, ardently desirous of being freed from social and political advantages, but who saw clearly enough that under the pretext of obtaining more liberal institutions for the Colony in general *they* were in imminent risk of being placed in a far worse position than that which had hitherto been theirs.

Pleading their undoubted privileges, as secured to them by the Capitulation, they only asked that the change of laws which was to

improve, as it was alleged, the condition of all other free inhabitants, should not have the contrary effect upon theirs, and it is indeed extraordinary that so natural a request should have met with the reception it did.

On the 10th July they received the following reply :—

“His Excellency the Governor having attentively considered the subject of the Petition presented to him in the name and on the behalf of the free inhabitants of colour, is empowered to reply thereto in the first instance, by giving his fullest testimony to their undeviatingly loyal, peaceable and praiseworthy conduct, thereby justly entitling them to the confidence he has invariably placed in them as good and faithful subjects of their King.

“The measures hitherto adopted towards bringing about a change of laws have not admitted of going into details of the system which may hereafter be determined on by His Majesty’s Government, consequently no particular matter relating thereto has yet been brought under discussion.

“Under these circumstances His Excellency is of opinion that an address from the people of colour to the Throne would be premature, and would lead to a suspicion that they were apprehensive that in the proposals which may be suggested for the security, welfare and happiness of His Majesty’s subjects generally *their* interests should be overlooked—a conclusion which no circumstance hitherto affecting them can justify. His Excellency therefore would recommend them to defer their wish of supplicating the Throne until they should have just grounds of complaint, which he fully trusts they will never experience under any form of law which His Majesty may in his wisdom be pleased to determine on for the future government of this Island.

“T. HISLOP.”

Taken by itself, this reply would appear to be nothing more than a diplomatic answer intended to postpone indefinitely an appeal to the Throne from a class to which the white section of the community, or at least a portion of that section, were determined no concessions should be made; but the action of the Governor and Council at this time shews clearly that the line of conduct pursued by the people of colour was regarded by those in power as an act of hostility which they were determined to punish at once.

On the same day that he despatched his reply to their Petition the Governor laid the whole matter before the Council. That body

unanimously approved the steps he had taken, and in addition, resolved "that the Committee representing the coloured people should be called upon to detail specifically to the Board at its next meeting the objects they had in view in desiring to present an address to the Throne."

Nor was this all: the Governor, who had just placed on record his thorough appreciation of the loyalty and good conduct of the people of colour, recommended to the Council that a Committee composed of the three senior members of the Board should proceed to institute an enquiry as to the signers of the Petition, so as to distinguish between those who were natural born subjects, those who were subjects by adoption, and those who had no claim to be considered British subjects at all. With regard to this latter class, the Committee were to enquire from whence they came and what had been their antecedents.

At the same meeting of Council at which the above-mentioned Committee was appointed a coloured man named Lucas Prieur was examined. It was alleged that he had been banished from the Island in 1803 and sent to England as a prisoner, charged with the commission of many outrages in Martinique during the revolutionary troubles of 1790, and principally with the murder of the Chevalier de Vouvres at La Roche Quarrée, and the Council being satisfied that he was the same man, ordered him to be committed to gaol for safe custody until an opportunity should occur of sending him to Martinique. Within a week from this Lucas Prieur contrived to effect his escape from gaol. For some reason or another the Governor and Council attached, or affected to attach very great importance to the escape of this man. A special meeting of the Council was summoned, at which the Governor alluded to it in the most serious terms, adding that there had lately been an influx of coloured people into the Island who had landed without any regular permission. He pointed out the necessity for taking immediate steps to check this immigration and for making enquiries concerning these people and their antecedents. Instructions were accordingly issued to the Commandants of Quarters and to the Commanding Officers of the Militia Corps to send reports to Head-quarters upon the character and conduct of all the coloured inhabitants of the Island.

A few days later, in obedience to the Resolution of Council, the Committee of the people of colour sent in to the Board a long and able exposition of the reasons which had actuated them in expressing a desire to present a Petition to the King.

In this remarkable document there was no deviation from the firm but respectful tone of their previous Petitions, but in it they commented (with great moderation of language) upon the difference between the tone of the Governor's reply to their address and the action taken with regard to the whole coloured class by the Executive on the very same day.

To this they received a cold and unfavourable answer. The Governor availed himself of the fact that Lucas Prieur was one of those whose names were attached to the original address to lecture the petitioners generally upon the "culpable want of caution" which had been shewn by those charged with obtaining signatures to the address, and who had allowed persons in every way disqualified to presume to ask permission to address the Sovereign. He also took advantage of another incident which had just occurred and which created some stir at the time. A reward for the apprehension of Lucas Prieur had been offered as soon as his escape became known, and the usual placards had been posted up in different parts of the town, but these placards were torn down night after night in spite of all precautions.

This was a daring and of course an illegal act, but it was one which might have been committed by a few evil-disposed persons of any class. It suited the purposes of the Government, however, to saddle it upon one class in particular, and the coloured people were therefore treated as being responsible, not only for this act of insubordination, but also for Prieur's escape from gaol. Taking these *facts* (?) into consideration, the Governor informed them that he could not give his sanction to their presenting an address to the Throne, but that they were at liberty to make any representations they chose to himself and the Council.

The Committee of the people of colour replied in curt but by no means discourteous terms to the effect that understanding a new Code of Laws had been prepared for the Island, the promulgation of

which was shortly expected, they would not avail themselves of His Excellency's permission to address the Council, "but would wait patiently upon events."

It is really difficult to understand the conduct on this occasion of men of intelligence like the Governor and the members of his Council, who seem to have been so blinded by the prejudices of that day as not to have seen the folly and inconsistency of their acts.

The free coloured people of Trinidad were admitted to be loyal, peaceable subjects of the British Crown, who had given frequent and solid proofs of their devotion to the Government under which they lived. Labouring under some social disadvantages, they were contented, or at all events resigned, to their lot in life; but they were suddenly alarmed by the possibility of a change of laws which for them meant an undoubted change for the worse. Under these circumstances they craved permission to lay their hopes and fears at the feet of that Sovereign to whom they had so often given proofs of their attachment. Not only was their request refused, but in order to punish their presumption a degrading enquiry was instituted into their personal characters, and under one pretext or another many of them were banished from the Island and half ruined!

As might be expected, such treatment as this brought about estrangement where there had once been cordial union, and it will not be amiss to quote here the words of one who, a few years later, expressed in indignant terms the sufferings entailed upon his race by this cruel and shortsighted policy.

Himself a man of great natural gifts, which had been improved by a first class education in the best schools of Europe, and whose attainments, character and eminent good qualities fitted him to move and enabled him to shine in any society, on his return to Trinidad, his native land, he found himself refused admittance altogether into some houses, in others admitted on sufferance, and treated as an inferior by all who, whatever their rank, birth or social position, laid claim to the Colonial patent of nobility—a white skin.

Under such circumstances can it be wondered at that he took the following view of the history of his country, or that he should have

looked upon *all* the dominant class as alike in their enmity and injustice towards his race?—

“A few years after (the publication of the Cedula of 1783) the gigantic strides which Anarchy and Revolution made over both Europe and the New World drove a considerable number of individuals to seek shelter in Trinidad. The Colony exhibited a motley collection of every nation, of every description, character and colour.

“The principal part of the white settlers, however, were emigrants from the old Islands, mostly men of desperate fortunes, eager in the pursuit of gain, unblessed either with education or refinement.

“These, as well as the more enlightened portion of them, in abandoning their former habitations brought away with them all their prejudices concerning colour and that insolence of deportment to which the sole hereditary enjoyment of political and civil privilege during so long a period had given rise. Such men, of course, were chagrined to see the different position in which the coloured class was placed in Trinidad.

“In the other Islands they were generally little better than indigent and submissive bondsmen: in Trinidad they were becoming people of property and were lawful pretenders to consideration and rank.

“Such widely different circumstances could not but rouse every jealous feeling against them. Hence the reign of a faction which has existed with increasing powers ever since the capture of the Island by the British.

“The conquest of the Island led the white faction to expect the abolition of those Ordinances by which they were made the equals, not the superiors, of the coloured population.”*

Such was the view taken by one who was himself a sufferer from the prejudice of colour, but the following extract from a memorial addressed some years later to the Privy Council by Judge Smith, and which will be more fully referred to in due time, attributes to a section only of the community that desire for a change of laws alluded to by Jean Baptiste Philip:—

“From the year 1797 to the year 1808 the tranquillity of the Colony was continually disturbed by the efforts of a small but active faction of English settlers, whose object was to overthrow the existing scheme of Government and to substitute in its room the form of Constitution known in the English Colonies.”

The light in which the coloured people were regarded by the English settlers may be learned of from the expressions made use of

* “Free Mulatto.”

concerning them by Mr. Marryat, who was in a certain sense the leader of the English party, although not a resident in the Island.

In a letter addressed by him to Lord Liverpool in 1810, when referring to the desire of Judge Smith to retain the Spanish law as beneficial to the colonists generally, and especially to the coloured people, he observed :—

“ If we consider this subject as a question of law that law declares the free people of colour to be a vile and infamous race ; *and indeed the general state of their education and manners is such that the description does them no great injustice.*

“ During the revolution in St. Domingo the contest between the Royalists and the Republicans in Martinique and the insurrection in Grenada and St. Vincent, Trinidad, then under Spanish Government, served as a place of refuge for persons of this description, who, either from the consciousness of their own crimes or under a sentence of banishment, quitted the place of their residence ; and thus this Colony was filled with a horde of murderers, incendiaries and desperadoes, men to whom insurrection and massacre were familiar.”

This Memorial is dated 22nd December, 1812, and Mr Marryat, in his anxiety to prove his case, not only did not hesitate to decry a whole class which had been the subject of the warmest praise from the Governor and Council of the Island for virtues the very reverse of the vices he so freely attributed to it, but forgot that those to whom such strong expressions might have been applicable had either left the Island voluntarily immediately after the conquest, or had been banished from it in the early part of Picton's administration.





CHAPTER XXII.

THE remainder of 1807 passed off without any event of importance occurring, but the following year was marked by an event which formed an epoch in the history of the Colony.

At that time the town of Port-of-Spain was almost entirely composed of wooden buildings, which in the dry season were very inflammable. Here and there however throughout the town there were stone houses with high-pitched roofs, covered with peculiar semi-circular red tiles, a few of which still remain, and are records of the days of first French immigrants, by whom they were erected.

On the night of the 24th March, 1808, the town was aroused from its slumbers by the alarm of fire. So rapidly did the conflagration spread that the startled citizens had barely time to spring from their beds, when the whole town was wrapped in flames. The fire commenced between ten and eleven o'clock, an hour when at that season of the year the nights in Trinidad are generally perfectly calm; but almost immediately after the first alarm a brisk gusty breeze sprung up, which carried the flames in all directions. So bright was the glare from the blazing houses that when the troops were called out at Fort George the parade ground was lighted up as if by the noonday sun, and the crews of the ships in the harbour could be seen by the soldiers moving about their vessels.

The cause of the fire has never been very clearly ascertained; according to the version most commonly believed, it was due to the carelessness of a medical gentleman residing in Frederick Street, where it undoubtedly commenced. It is said that he carried an unguarded light into an outhouse in the yard in which there were

some carpenter's shavings, and carelessly left it there : that later in the night these shavings caught fire, and before the danger was perceived the flames had communicated with the highly inflammable contents of a neighbouring apothecary's shop. The means available for the extinction of such a fire were utterly insufficient, and in spite of the efforts of the inhabitants, aided by both the regular troops and the Militia, it was found impossible to check the progress of the flames ; in the alarm and confusion, houses and stores were pillaged by the mob, who eagerly seized upon so favourable an opportunity of enriching themselves under the pretext of rendering assistance.

The Governor was on the spot almost as soon as the alarm was given, and by his personal exertions did all in his power to encourage those who were endeavouring to save some remnants of their property. All through the night the fire raged, gaining fresh strength as house after house was overtaken by the flames, and the sun rose upon a scene of terrible misery and ruin. That which a few hours before had been a busy town thronged with persons intent upon their avocations and amusements was now reduced to a heap of smoking ruins. Here and there, guarded by soldiers, were heaps of merchandize which had been hastily rescued in the first moments of alarm, or of furniture and household goods which had been dragged from the burning buildings or hurled out of the windows ; men, women and children were wandering about amongst the charred and smoking ruins of their homes, utterly without shelter, and in many instances unable to obtain the means of breaking their fast, all the shops and provision stores having been destroyed.

The Cabildo House, the Gaol and the Protestant Church, a wooden building which then stood on ground now forming the north-eastern corner of Upper Prince Street and Brunswick Square, were burned to the ground, together with no less than four hundred and twelve houses and three hundred and thirty-seven out-buildings. The loss of property caused by the fire was estimated at over half a million sterling. The houses of many of the wealthier inhabitants were insured, but on the poorer classes the blow fell with crushing force.

Some notion of the extent of the fire may be gathered from the fact that on the following morning only the Catholic Church and a

few isolated houses were left standing in the lower part of the town. For weeks the bulk of the population had to live in tents and huts, their only consolation being that the dry season rendered such shelter at least bearable. Nor was this all they had to endure; for several days there was imminent danger of something very nearly approaching a famine, for in 1808 the supply of provisions were neither so frequent nor so large as at present, and the fire had destroyed all the stock on hand.

Prompt measures to avert this calamity were taken by the Governor and Council the very day after the fire. Vessels were despatched to all the neighbouring Colonies to purchase provisions, and Port-of-Spain was declared a free port for all neutral vessels for four months in order to facilitate the supply of building materials and other requisites.

The appeal to the neighbouring Colonies was not made in vain. Vessels speedily arrived from all sides, bringing not only all that was required to rebuild the town and replenish the stores, but also liberal gifts of money for the poorer sufferers. Great assistance was also afforded by Sir Alexander Cochrane, the Admiral on the Station, who instructed the captains of his cruisers to board all vessels arriving in West Indian waters and oblige them to take their cargoes to Trinidad, no matter what had been their original destination. By these means the more pressing wants of the Colony were quickly supplied. The injury done, however, was of too great an extent to be repaired either from the revenues of the Colony or by the munificence of private individuals, and it was evident that assistance to a considerable amount must be obtained from the Imperial Treasury.

The first news of the disaster does not seem to have reached England direct from Trinidad. On the 26th May, 1808, Mr. Marryat wrote to the Council as follows:—

“Gentlemen,—The Packet which arrived a few days since brought no letter from Trinidad, but various accounts from the other Islands state a dreadful conflagration to have occurred at Port-of-Spain on the 24th March last. The melancholy fact appears to be beyond all doubt, though the extent of the disaster is not yet ascertained, and every man interested in the Colony is suffering under suspense as well as anxiety. Enclosed you have copy of an application which I made to the Board of Trade and

Foreign Plantations, who would report upon it to the Privy Council, and I must recommend to Parliament to contribute something to the most distressed classes of the sufferers on this occasion when official advices shall enable them to ascertain and state the extent of the calamity."

Under date of June 4th he again wrote :—

"We have as yet no details respecting the late fire. . . . General Picton, with that liberality which marks his character, has, I find, desired that the subscription made to indemnify him for the expense of the unmerited prosecution carried on against him here may be appropriated to the relief of the most distressed sufferers."

This act of generosity on Picton's part was not a mere matter of form ; the subscriptions which had been raised in Trinidad amounted to £4,000 ; and when it is considered how heavy his expenses must have been, it certainly speaks volumes in his favour that he should have abandoned this large sum in favour of a place which must have been associated in his mind with the bitterest recollections.

The destruction caused by the fire was of course very great, but in the interests of the Island generally its occurrence can scarcely be a subject for regret. The old town with its badly built wooden houses was not only an eyesore but a source of constant danger, and its destruction afforded an opportunity for improvement, which was not neglected.

Before proceeding with the events of the year 1808, the following letter from Mr. Marryat should be read. It was not, it is true, written until 1809, but as it relates to the fire it naturally finds its place here :—

"London,

"June 22nd, 1809.

"TO THE GOVERNOR AND COUNCIL OF TRINIDAD,

"Gentlemen,—The week before last I reminded the Chancellor of the Exchequer of his promise to recommend to Parliament that some assistance should be given to the sufferers in the late conflagration in Port-of-Spain, adding the suggestion that had been given to me by Mr. Black in one of his semi-official letters, that as most of the lower classes to whose benefit it had been originally proposed to appropriate the sum voted had already emigrated, a more eligible appropriation would now be the rebuilding the Government House, the Court House, Protestant Church and Gaol, which, under the present form of Government, could not possibly be done out of the Colonial Revenues, and without which neither the business of the

Church nor State could be carried on properly. Mr. Perceval, with that provident care of the public money which characterizes most Chancellors of the Exchequer, at first intimated that any grant was unnecessary since the object originally in view was now no longer attainable; but on my urging that the claims of the Colony to relief remained the same, though the mode of applying that relief might be varied, he observed that an official application from you will be necessary, together with an estimate of the expenditure for completing the Public Buildings in general. You will do well therefore to forward such statements previous to the next meeting of Parliament as are conformable to your views of the subject, and I will take care to call the attention of His Majesty's Ministers to them in due time. The completing the wharf is an object that might with great propriety be included in your plan, as the benefit of it will be principally felt by the mercantile part of the community who were the great sufferers in the conflagration, and the same remark applies to the supplying of the town of Port-of-Spain with water.

“ I remain, &c., &c.,

“ JOS. MARRYAT.”

Acting on the advice contained in this letter, the Governor named a Committee; surveys were made and estimates prepared; and when the matter was laid before Parliament the sum of £50,000 was voted for the relief of the Colony of Trinidad.

How this grant was appropriated will form the subject of a future chapter.

In the year 1808 attempts were again made to introduce the English laws into the Colony. The leaders of the English party were as before the chief promoters of these attempts, being anxious, as they pretended, to be governed by laws with which they were familiar, in preference to a code not only written but administered in a foreign tongue, and which contained much that was diametrically opposed to English notions.

In order to carry out their views a Committee was formed for the purpose of framing a Petition to the King, praying him to grant to Trinidad a Constitution similar to those existing in the British West India Islands. Dr. Alexander Williams, a physician who had resided in the Island for some years before the capitulation, was the Chairman of this Committee; but with the exception of himself and a few others, the older colonists, whether Spanish, French or British, were decidedly unfavourable to the proposed change. That such should be the case

was but natural; they had been accustomed to the Spanish law for many years, and believed—certainly not without good reason—that fairly administered, it was well suited to the wants of the community. They were therefore not at all willing to exchange it for a system of which they knew nothing except that it was based upon a body of laws containing many highly penal statutes directed against the religion which most of them professed.

The Committee of which Dr. Williams was chairman proposed a scheme which, although quite consistent with the “Colonial System” of those days, was scarcely likely to recommend itself to the Ministry of 1808, or to the people of England, for it was so framed as to entirely exclude the free persons of colour from any of the benefits which it was supposed would accrue from the endowment of the Colony with a Constitution. In fact, in spite of the fearful lessons of the past, the English party was bent upon pursuing the same blind and selfish policy in Trinidad which had been the primary cause of the troubles in St. Domingo eighteen years previously. The coloured people took alarm and sent home counter Petitions, with the result that the entire scheme was rejected by the Imperial Government.

In 1802, when a Petition for the introduction of British laws had been presented to the King, of the one hundred and eight signatures attached to it, only one (that of Mr. C. A. Gellineau) was that of a foreigner. It is therefore reasonable to infer that the movement was then entirely confined to the newly arrived English settlers. In 1805, when the attempt was renewed, it was asserted by its promoters that all the respectable Spanish inhabitants were desirous of seeing the Spanish law entirely abolished and replaced by the law of England. The value of this assertion, which if true would have carried much weight, can be tested by the following analysis of the signatures attached to the Petition then transmitted to England. It was signed by

| | | | | |
|------------------------|-----|-----|-----|-----------------|
| English Residents... | ... | ... | ... | 171 |
| French ,, ... | ... | ... | ... | 45 |
| Spanish ,, ... | ... | ... | ... | 13 |
| Total ... | | | | <hr/> 229 <hr/> |

It is very worthy of note, that amongst the fifty-eight Spanish and French names there are none to be found of persons who had settled in the Colony previous to the promulgation of the Cedula of 1783, and but very few of those who had arrived in it between that date and 1790—that is, before the storm of the French Revolution had driven men of all shades of political opinion to take refuge in Trinidad. This is strong proof that by those who had the longest experience of the Spanish law no change was desired.

On the 6th of March, 1809, Lord Castlereagh informed the Governor that His Majesty's Government deemed it advisable to appoint a professional man to the office of Chief Judge, and that Mr. George Smith, late Chief Justice of Grenada, had been named for the post. At the same time the Minister directed that Mr. Nihell should be acquainted that the change was made solely on account of the growing importance of the Colony, and not from any dissatisfaction with the manner in which he had performed the duties entrusted to him by Sir Ralph Abercromby, and that the Council would be consulted as to the amount of pension to be allowed to him upon retiring, the Secretary of State pledging himself to support the vote for whatever sum might be recommended.

On the 15th of May Mr. Smith arrived holding a Commission, by which he was appointed "Chief Judge, Alcalde del Crimen, and Fiscal for the administration of Justice for the Island of Trinidad," at a salary of £2,000 per annum.

He was a man of fair abilities, well versed in the technicalities of the Spanish law, the abolition of which he strenuously opposed from the day of his arrival. That he should have done so was natural, for unless that law was retained he could not pretend to exercise the enormous powers conferred upon him, the possession of which seems to have eventually turned his head. It is almost impossible to suppose that the framers of his Commission could have had even the faintest notion of the extent of the authority with which they had invested him, and which Mr. Smith from the first took care to show was practically unlimited. This assumption on his part gave offence to all sections of the community, and more especially to the English party, by whom General Hislop was gradually becoming much influenced, and a series

of conflicts almost at once began between the Governor and the Chief Judge, which caused even more confusion than had been created by the unfortunate Commission Government seven years previously. On the one hand was the Judge, who considered himself free from *all* control in his judicial capacity, which, under the existing form of Government, he certainly was not, and on the other the Governor, who asserted, with both law and reason on his side, that not only politically but judicially, *he* was the supreme authority in the Island. It never occurred to either of them to submit the question at issue to the Home Government; each went on asserting his own position and denying that of his opponent, with results which may now appear ludicrous, but which at the time were productive of very serious difficulties.

The Governor maintained, that his Commission not having been repealed nor his instructions altered, he was the Judge of Appeal in all criminal matters as President of the Court of Royal Audience, and in this contention, so long as Abercromby's Proclamation of March, 1797, and the subsequent instructions to his successor were not repealed, he was clearly right. Judge Smith, on the other hand, taking his stand upon the words of *his* Commission, held that by that instrument the Governor's position in the Colony had been materially altered, as it had raised him to a position similar to that of a Spanish Viceroy. The argument by which he next sought to establish his own position was certainly ingenious; he contended, that because he was appointed Chief Oidor, a regularly constituted Court of Royal Audience had been created in the Island of which the Governor as Viceroy was the President, and then quoted the 32nd Law, Title 15, Book 2, of the Laws of the Indies to show that even a Viceroy could not interfere with him as Chief Oidor. The following is the passage he cited:—

“The Viceroys, as Presidents of the Royal Audiences, shall have no vote in matters appertaining to justice, and we command that they do leave the administration thereof to the Oidores of the Royal Audiences, &c., &c., &c.”

The Governor very naturally refused to give reality to a fiction which, professing to invest him with a higher rank, swept away the powers he already possessed and which he had no intention to abandon.

This antagonism between the two chief functionaries of the Colony increased the desire of the English party to abolish a system of laws which they asserted gave rise to and encouraged a state of affairs so manifestly absurd. In this however they were in error, for, as will appear by the sequel, Judge Smith's Commission was entirely at variance with the Spanish law, and the position he assumed was untenable according to any possible reading of it.

On the 9th January, 1810, General Hislop announced to the Council that he had received orders from the Commander-in-Chief to take part in an expedition then preparing against Guadeloupe, and that during his absence the government of the Colony would be administered by Lieutenant-Colonel Tolley of the 1st West India Regiment. This was the first occasion since the capture of the Island that its government had fallen into the hands of an Administrator, and the interregnum was eagerly taken advantage of by the faction clamouring for English laws to push forward their peculiar views.

They were however forestalled by the vigilance of Judge Smith, who a few days after the departure of General Hislop, proposed and carried the following address from the Council to the King :—

“ To the King's Most Excellent Majesty.

“ May it please Your Majesty,—The Members of Your Majesty's Council established in the Colony of Trinidad beg leave to approach Your Majesty with assurances of their inviolable attachment to Your Majesty's Sacred Person and Government, and with all humility pray :

“ That Your Majesty will be graciously pleased not to permit any change in the existing Government of this Colony without proper steps being taken to ascertain the real sentiments and wishes of the inhabitants of this Colony on a subject so important to their happiness and welfare.

“ GEO. SMITH.

“ ST. H. BEGORRAT.

“ ARCH. GLOSTER.

“ JOHN NIHELL.

“ JOHN BLACK.

“ JNO. SMITH.”

A similar address was at the same time forwarded from the Cabildo.

These addresses gave great dissatisfaction to the English party, and many violent articles on the subject appeared in the Island news papers. For one of these, which was published in the *Trinidad Courant*, Mr. Gallagher, the proprietor and printer, was imprisoned by the Chief Judge, an act of authority which he contended he was empowered to exercise, but which on his return to his Government General Hislop resented as an assumption on the part of the Judge of a power then belonging exclusively to the Executive.

The advocates of the introduction of English law had by this time found that before they could hope for success they must get rid of a Judge who believed himself to be armed with unlimited powers, which he did not scruple to use, and who as a nominee of the Crown was sure to be supported so long as there was any possibility of so doing. They therefore determined to goad him into committing himself in a way which the Home Government could not overlook, and unfortunately for Mr. Smith his egregious vanity and excessive irritability of temper gave them every facility for carrying their intention into effect.

They certainly had good reason for wishing to be rid of a watchful opponent who detected and counteracted every artifice they employed to convert the old inhabitants to their views. If an article appeared in the papers tending to persuade the settlers of foreign extraction that they would lose nothing by the proposed change of laws, the Chief Judge immediately issued a notice signed by himself pointing out the fallacy of the arguments used, or the falsehood of the statements upon which they were based. Unfortunately the pride and violent temper of Judge Smith made enemies for him even amongst those whose cause he was so ably upholding, and at last all parties united in an endeavour to remove a Judge in whose discretion they had no confidence and from whose decisions there was virtually no appeal.

When General Hislop returned from Guadeloupe the following address was presented to him, which evidently was as much intended

to be a demonstration against the Chief Judge as a mark of respect to the Governor :—

“ To His Excellency Major-General Thomas Hislop, &c., &c., &c.

“ May it please Your Excellency,—We, Your Excellency’s loyal subjects, inhabitants of this Island, approach Your Excellency with unfeigned sentiments of gratitude, attachment and respect, and most heartily congratulate you that it has pleased Almighty God to restore you unhurt from the field of battle and victory, to the bosoms of your affectionate and loyal people, your true friends and fellow subjects.

“ By your return we fondly anticipate that harmony and confidence which heretofore existed under your benign auspices, and with them the cherished hope for the inestimable blessings of English laws which had dawned before your ardour for the glory and advancement of the general Empire withdrew you from us.

“ Abstractedly from these our congratulations, and impressed with the sincerity of Your Excellency’s ever anxious care and wishes for the welfare, happiness and prosperity of the Colony, we eagerly embrace this opportunity most earnestly and feelingly to implore Your Excellency to recommend that the British Constitution may be speedily extended to the inhabitants of this valuable Island.”

This address was signed by about four hundred persons and received from the Governor a suitable reply, both of which were published in the newspapers of the Colony.

The Chief Judge fell at once into the trap prepared for him ; he treated the address as a “low and malicious measure of insult,” and wrote to the Governor the following letter :—

“ March 30th, 1810.

“ My dear Sir,—I am so confident in the kindness and candour of your character that I feel I can run no risk of any misconstruction of my motives in addressing you on the present occasion. No man can rejoice more than I do in every testimony of public approbation bestowed on you ; and in whatever way your public praise or private happiness is to be advanced, gratitude and respect to the Governor, and personal attachment to General Hislop, will ever place me in the foremost rank among those of your friends who would zealously promote those objects.

“ If, in the address which has recently been presented to Your Excellency by a portion of the inhabitants of this Colony, the subscribers had only combined with their congratulations to you their wishes for the introduction of what they call English Laws and an English Constitution, I should have contented myself with stating to His Majesty’s Ministers

my persuasion that although in thus expressing their feelings towards you they have uttered only the sentiments of the whole Colony, yet on another subject their declaration ought to have no weight, because I have good reason to think that many of the signatures, so far as any other topic is concerned, are the result of misconception of the purport of the address, and that many other persons have subscribed their names more from a timid acquiescence in the opinion of others than from any conviction of their own; while in a multitude of instances names have been admitted into the list whose owners, however respectable in their humble or even menial station, are as improperly placed as regards the political part of this address as would be the village shopkeeper's shopman in one of a similar tendency presented by the freeholders of an English county to our Sovereign. Such indeed has been the anxiety of the promoters of this measure for an appearance of numbers that not only have they had recourse to a ridiculous artifice of multiplication in the signatures of commercial houses, but they have even admitted to their motley society the insolent imprisoned printer, Mr. Matthew Gallagher, and his attendant, Mr. Andrew Spence.

"Had the language of this address embraced no other matter my observations would have ended here, but I feel that I should be wanting to myself if I passed by in silence that passage which presumes to insinuate against the late Government that during your absence they have disturbed that harmony and confidence which has ever prevailed under your mild and just administration. *'By your return we fondly ANTICIPATE that harmony and confidence which have HERETOFORE existed under your benign auspices.'*

"That the measures which Colonel Tolley and myself concurred in adopting under circumstances which occurred subsequent to your departure were not suitable to the views of certain declaimers in favour of Liberty and a free Press I am perfectly convinced, and that their feelings on these subjects were not in harmony with ours requires no great stretch of faith to believe; to my humble capacity it appears that in endeavouring to pour such insinuations into Your Excellency's ears, though they have acted with more caution, they have betrayed the leaven of the same spirit which you so justly and forcibly reprobated in your correspondence with Government in the years 1805, and 1806, during the discussion of Dickson's business; and though they may have abstained from the same gross improprieties of expressions, they have maintained the same spirit of turbulence in the voluntary support proffered by their leader and some of the principal promoters of this address when they offered themselves, uncalled for, as bail for Matthew Gallagher.

"I cannot also avoid remarking with surprise, in the list of signatures to this address, as published in the papers, the names of many of the immediate servants of Your Excellency's Government, who, though they ought certainly to be among the first to congratulate you, ought I presume to be among the last to lend themselves to any faction or to meddle with any question of Government, and least of all with any insinuations against the chiefs.

“ By such conduct I humbly conceive they have added one more to the many proofs you have received during your administration of the Government how little the sense of propriety prevails amongst the English population of this Colony.

“ I am confident that the clamours of a party will never influence the opinions or the conduct of either Your Excellency or myself. We may differ as individuals as to the system best suited to the Government of this Colony ; Your Excellency may prefer the system of conciliation and I may think one of more vigour better adapted to the character of the people, but we can never differ in the execution of either, because I hope I shall never forget my station or my duty, the spirit of which will ever produce in me a willing obedience to your superior authority.

“ I have declared to His Majesty’s Ministers my decided conviction that the British Constitution, as far as it relates to its establishment here, is incompatible with the vital principle of Colonial existence which is slavery, and equally so with the moral, physical and intellectual powers of our population.

“ The reasons on which these opinions are founded are calculated for the feelings of a British Government and of a British people, but that prudence which dictates the political propriety of suppressing the publication of such arguments before a *Colonial Public* may at least claim the right of suppressing fallacious reasonings on statements of an opposite tendency, the continual assertion of which produces an agitation in the public mind, and the answers to which, under a free Press in this country, would tend to overthrow society itself.

“ By the laws in force the King in his Privy Council can always grant or withhold the printer’s license ; and although the rigid letter of this law has never been observed in the Spanish Colonies, practice has always been to appoint some officer of the Government to inspect the proof sheets of such papers as are permitted to be published, and Mr. Langton has informed me that this office has been executed by Mr. Collins, the Treasurer, since Your Excellency has been the Governor of the Colony. Conformably to the practice of the Spanish law was the order of suspension as to both papers issued by Colonel Tolley and myself. Whether the license you have granted since your return and by which the suspension is removed in Johnston’s case is conformable or not to the same practice I have never enquired, for you may rest assured that in all cases you shall find me setting the first example of obedience to your commands, even though they should seem to clash with my own lawful orders ; and when at any time I find myself so involved in any question as to make explanation on my part necessary, I shall only justify my conduct at home after a previous and respectful submission to yourself of the motives of my proceedings.

“ I remain, &c., &c.,

“ GEORGE SMITH.”

To this characteristic epistle the Governor made the following reply :—

“ Belmont,

“ April 3rd, 1810.

“ My dear Sir,—After an attentive perusal of the letter which you did me the honour to put into my hands on Saturday last, and after giving it the fullest consideration it is so justly entitled to, I shall endeavour in a few words to convey to you the result of the sentiments it becomes me to express, as I humbly conceive, on the occasion.

“ In the first place I am to assure you that no doubt has, and I trust never can arise in my mind as to your invariable good wishes and regard towards me, which you have always shewn the most earnest desire of evincing, as I have at all times been duly sensible of.

“ With regard to the address, whatever may be its merits or demerits, I must confess I wish to avoid entering into the subject thereof in the present communication ; it is sufficient only to observe, that having yielded to the request so strongly urged in its concluding sentence, I fully and confidently rely on the approbation of His Majesty's Ministers for having so determined. In the meantime I fain would abstain from entering into a discussion on any part of the matter contained in it, believing that no benefit whatever could result therefrom.

“ The step adopted during my absence for the suppression of the public papers arose no doubt from circumstances sufficiently strong in the minds of Colonel Tolley and yourself to justify that measure. I cannot presume, neither would it be proper or requisite for me to give any opinion thereon ; but it is right that I should explain that on the government returning into my hands I felt desirous of relieving an inconvenience to the public (which my absence had latterly appeared to have occasioned) by granting licenses to Messrs. Johnston and Palmer to publish their weekly papers (thereby affording to the community their accustomed channel of communication and intelligence) without any restriction but such as their sense of propriety and respect for the lawful authorities would naturally dictate to them, never having exacted any other from the Press since I have presided at the head of this Government. My friend Mr. Langton must have been dreaming when he informed you that since my time here Mr. Collins the Treasurer, or any other person was ever employed to control or impede the freedom of the Press, or in any manner to interfere therewith. The tranquillity and cordiality which shortly after my arrival in the Colony became so happily restored among the inhabitants, I would never allow to be disturbed by it, and with that view the insertion of a particular topic calculated to rekindle the flames of discord I most positively and invariably prohibited.

“ Believe me, &c., &c.,

“ T. HISLOP.”

As may well be supposed this correspondence very soon became public property, with the result, that at the Council the Chief Judge now found himself alone in his opposition to the proposed Petition to the King asking for a change of laws.

On the 11th April Mr. John Smith moved the Board that the Petition should no longer be kept back on the ground that the numerous and respectable signatures to the address which had recently been presented to the Governor on his return to the Colony sufficiently indicated the feeling of the inhabitants. His motion was seconded by the Attorney-General, and at the next meeting the following Petition was adopted, the Chief Judge dissentient :—

“ To the King’s Most Excellent Majesty.

“ May it please Your Majesty,—The introduction of a new system of Laws and Constitution of Government into this Colony has, since its cession to Your Majesty’s Crown at the peace of Amiens, been a question agitated and discussed amongst all classes of the proprietors and inhabitants, both British born and adopted subjects, and it now appears to be so fully and satisfactorily expressed in an address presented to His Excellency Governor Hislop on the 11th day of March last, by the numerous and respectable signatures thereto attached, that Your Majesty’s Council cannot but give it as its report and opinion that a change of laws and system, *with such modifications as local circumstances may require*, is the general and ardent wish of the proprietors and inhabitants of Trinidad.

“ Your Majesty’s Council with all humility further states, that it did not subscribe such address to His Excellency General Hislop at that period inasmuch as the subject was not before the Council as a Board, nor when the last humble representation was made by the Board of Council to Your Majesty dated on the 15th February last was it aware that the desire of a change of laws and constitution was so universal as it has since appeared, and indeed as is plainly manifested by the subscribers to the address to His Excellency the Governor already alluded to.

“ Your Majesty’s Council further beg to assure Your Lordship that it has too great a reliance upon Your Majesty’s paternal care of your subjects, however remote in distance from the seat of your Empire, not to be confident that the general wish of the proprietors and inhabitants of Trinidad will be generously complied with, and that as speedily as possible consistently with the other weighty and pressing affairs which must necessarily engage the attention of Your Majesty and of the British Government.”

It is scarcely necessary to point out that this Petition was throughout a *petitio principii*. Those who signed it took it for granted, or at all events boldly asserted, that it expressed “the general wish of the

proprieters and inhabitants of Trinidad," which was far, very far, from being the case. The Council could not expect that this Petition could be held to represent the true state of public feeling on this most important question when only two months before the King had been prayed by themselves "not to permit any change in the existing Government and Laws without proper steps being taken to ascertain the real sentiments and wishes of the inhabitants of the Colony." No such steps had been taken, and yet they now asserted those sentiments and wishes to be *universally* in favour of the introduction of the English laws and constitution with certain modifications not defined!

The only old settler of foreign descent amongst the members of Council who might be considered as representing the views of one very large section was Bégorrat, hitherto the strenuous advocate of the existing form of Government. It may appear strange that he should have given in his adhesion to the English party from which he was alienated by nationality, religion and tradition, but the causes of this change of policy on his part will be seen at a later period of this history.

It should be observed also that the insertion of the words "with such modifications as local circumstances may require" made a considerable difference between this address and those which had preceded it, and were evidently introduced to gain the support of the older colonists if possible, or failing that, to furnish an argument, that all reasonable concessions having been offered to them and refused, they were no longer entitled to any consideration.

This struggle for the introduction of English laws was not confined to Trinidad, but was carried on with vigour in England, with what amount of success will be shewn in the ensuing chapter.





CHAPTER XXIII.

MR. MARRYAT, who was virtually the head of the English party, had all this time been untiring in his efforts to induce the Ministers to grant British laws to the Colony, and like those he represented was very unfavourably disposed to what he considered the dangerous pretensions of the coloured people. This is shewn clearly enough in the following correspondence :—

Mr. Marryat to the Governor and Council.

“ London,

“ October 18th, 1810.

Gentlemen,—Soon after receiving the official copy of your proceedings of May 18th, with your Petition to His Majesty praying for the introduction of British laws into Trinidad and your Resolution directing me as agent for the Colony to act in conformity with the wishes expressed in that Petition, I also received various printed and written documents respecting the dissensions which had taken place between the civil and judicial authorities of the Island, as well as those respecting the claims brought forward at so critical a period by the free people of colour for a participation in political privileges.

“ In perusing the various papers connected with these subjects my mind was deeply impressed with a sense of the danger to which, not Trinidad alone but all the West India Colonies, are exposed by the assertion of these claims. I therefore expressed those feelings very strongly in a letter to the Earl of Liverpool and requested a conference with him on the situation of affairs in Trinidad. I learned that the mass of papers sent home on these subjects was so voluminous that His Majesty’s Ministers had referred the whole to Mr. Stephen the barrister,* to examine and report upon.

“ I further learned, on calling upon Mr. Stephen that some time would elapse before his report could be prepared, and I obtained his promise that I should receive a communication from him whenever it was made.

* Father of Sir Fitzjames Stephen.

"Having received no such communication on the 9th instant, and presuming that Lord Liverpool would not be prepared for the requested conference with me till Mr. Stephen's report was before him, I thought it advisable without further delay to state to His Lordship in writing the substance of what I should have stated to him in conversation.

"An additional motive with me for so doing was that my conversation with Mr. Stephen confirmed, what indeed I was before aware of—that he, like his brother-in-law Mr. Wilberforce, was a warm advocate for the emancipation of the slaves and desirous of giving political privileges to the free people of colour as a stepping stone to the accomplishment of his favourite object.

"I thought it therefore necessary to express my sentiments upon this subject in particular to His Majesty's Ministers by way of counterpoise to the weight which I had reason to believe Mr. Stephen's report would throw in the opposite scale, and with this view I addressed a letter to Lord Liverpool, sending at the same time a duplicate of it to Mr. Perceval, and urging a conference with them on the subject to which it relates at their earliest convenience."

"On the 15th, Lord Liverpool sent me the following letter :—

"Fife House,

"October 15th, 1810.

"Sir,—I have received the favour of your letter of the 8th March, together with a very long enclosure on the subject of the affairs of Trinidad.

"As the whole question respecting that Colony is at the present moment under the serious consideration of His Majesty's Government, it would not be proper for me to say more than that no exertions will be wanting on my part to bring this subject to as speedy a termination as is compatible with its importance and with the other necessary and pressing occupations of His Majesty's Ministers.

"I am, Sir, &c., &c.,

"LIVERPOOL."

"From the moment I was acquainted with the nature of Mr. Smith's commission I considered it impossible for him or any man who acted under it to give satisfaction. . . . In the short acquaintance I had with Mr. Smith I had every reason to think highly of his talents and was much pleased with his society; but his late conduct has been marked with so much intemperance that his recall appears to be absolutely necessary for the peace and happiness of the Colony, and therefore I have expressed my sentiments on this point without reserve to His Majesty's Ministers.

"I have the honour, &c.,

"JOSEPH MARRYAT."

Mr. Marryat at this time had a seat in the House of Commons, where he represented the borough of Horsham. He enjoyed and deserved great influence on all West Indian questions, but in regard to the change of Government in Trinidad he was not able to succeed. The policy of the petitioners for British laws and of the Colonial Government towards the free people of colour did not meet with the approval of Lord Liverpool's Ministry. There was no anxiety on the part of the Imperial Government to give to Trinidad laws and institutions which, in the opinion of many competent judges, were most unsuited to the Colony; and the illiberal spirit shewn by the white inhabitants with regard to the coloured class furnished ample grounds for refusing the request contained in the Petition of the former.

The ultimate decision of the King's Government was communicated to General Hislop by Lord Liverpool in the following despatch, dated 27th November, 1810 :—

“ The great pressure of public business arising out of the important events which have been passing for the last three or four months, has prevented me from sending you the definitive instructions of His Majesty's Government on the subject of the future government and laws of Trinidad, as I had hoped to have been able to do long before this period.

“ I think it may be material, however, to lose no time in informing you of the opinion which they have been able to form upon that part of the question which, though most important in its nature, is nevertheless subject to the fewest difficulties in detail.

“ The application of the proprietors (white inhabitants of Trinidad) may be divided under two heads—the British Constitution, as it is understood and supposed to be enjoyed in the other West India Islands, and British Laws under whatever form of government His Majesty may be pleased to establish in that Colony. With respect to the first of these points, it has undergone the most deliberate considerations in all its different bearings.

“ The question proposed for discussion has no necessary reference to that state of things which has existed for so many years in the West India Islands, but may be stated to amount to this : whether in a new Colony, in which the rights of the Crown and of Parliament must be admitted on all hands to be entire it would be advisable to surrender those rights in whole or in part and to establish a system of government analogous to that of the other West India Islands ?

“ Even if the circumstances of Trinidad were in all respects much more nearly the same with those of the other West India Colonies than they unquestionably are, the determination of government would probably

be to negative such a proposition ; but it so happens that the circumstances of the Island of Trinidad are in many respects so materially different from those of the other West India Colonies that, supposing the system of government established in these Islands to be the best which could be afforded them in their situation, it would not follow that the same system could be rendered applicable either in justice or policy to the Island of Trinidad.

“ In all the other West India Islands (with the exception of Dominica, an exception which arises out of recent circumstances) the white inhabitants form the great majority of the free people of the Colony, and the political rights and privileges of all descriptions have been enjoyed exclusively by them. The class of free people of colour in these Colonies, as far even as their numbers extend, has grown up gradually. They have thereby in some degree been reconciled to the middle situation which they occupy between the white inhabitants and the slaves. But in the Island of Trinidad the people of colour at this time form a very great majority of the free inhabitants of the Island, and the question will arise, according to the proposed system, whether in establishing for the first time a popular government in that Colony we shall exclude that class of people from all political rights and privileges ? Such an exclusion we know would be regarded by them as a grievance, and it may be doubted how far it would be consistent with the spirit of the Capitulation by which their privileges were to be secured and their situation certainly not deteriorated from that which they enjoyed under the Spanish Government.

“ In the second place, in most of the other West India Islands the great body of the proprietors and white inhabitants are British, or descendants from British families. To them the British Constitution and Laws have become familiar. They have been educated, or suppose themselves to be educated in the knowledge of them ; and though the resemblance is certainly not great between the Constitution as it is supposed to exist in our West India Islands and as it is enjoyed in Great Britain, the circumstances above referred to would in some degree account for the attachment of the inhabitants of the West India Islands to a system of government in which a popular assembly forms a prominent part. But in the Island of Trinidad the white population consists of a mixture of people of all nations.

“ The greater part of them must be wholly ignorant of the British Constitution and unaccustomed to any form of government which bears any analogy to it. In the case of Trinidad therefore, amongst the most numerous class of white inhabitants there can be no material prejudice either of education or habit in favour of such a system ; and the partial and exclusive principle on which it is proposed by the white inhabitants to be founded, whereby the largest proportion of the free people of the Island would be excluded from all participation in its privileges, appears to defeat the object of it, and to constitute in point of justice and upon the very principles of the system itself a decided and insuperable objection against it.

“ The question has hitherto been considered as far as it may affect the internal state of the Colony itself, but in addition to these considerations

it is material to add that the abolition of the slave trade by Parliament imposes upon the Government the necessity of keeping within itself every power which may be material for rendering this measure effective.

"It is essential for this purpose that in a new Colony the Crown should not divest itself of the power of legislation, and that neither the Crown nor Parliament should be subject to the embarrassments which on such an occasion might perhaps arise from the conflicting views of the Imperial Parliament and a subordinate Legislature.

"Under these circumstances you may consider it as a point determined, that it is not advisable to establish within the Island of Trinidad any independent internal Legislature.

"In reserving to himself the power of legislation His Majesty will in some degree delegate that power, as far as local considerations may render it necessary or expedient to the Governor as his representative, whose acts will be always subject to be revised, altered or revoked by His Majesty himself.

"Upon the second point, the introduction of British laws into the Island of Trinidad, I am not as yet enabled to give you a decided opinion.

"The subject is necessarily extensive and complicated. It is at this time under the serious consideration of His Majesty's Government, and I hope to be soon able to communicate to you at large their sentiments upon it. But I thought it of importance no time should be lost in conveying to you the determination of His Majesty's Government for the information of the inhabitants of the Colony upon the important subject of an internal legislation.

"I have the honour, &c., &c.,

"LIVERPOOL."

This decision of the Ministry was the reverse of satisfactory to the English party. They did not however consider themselves beaten, and on the 13th June, 1811, Mr. Marryat once again brought a motion before the House of Commons that a British Constitution and British Laws should be given to Trinidad. He spoke at great length upon the subject, vehemently attacking the Spanish law, more especially as administered in Trinidad by Mr. Smith, the Chief Judge.

The Spanish law was vindicated by Brougham, who declared it, so far as regarded the slaves, to be far more humane than the much vaunted laws of the English Colonies, alluding especially to the Cedula of 1789, (regulating the treatment of slaves), which he characterized as "*quasi divine*." He cited well known instances of revolting cruelty which had occurred in English Colonies under English law, where even when death had ensued (as in one particular

case) the planter, by whose merciless treatment a fellow creature had lost his life under the lash, was acquitted by a jury composed entirely of white slave owners. In the course of his speech he said :—

“When we talk of English law, we talk of it with reference to English Judges, English Juries, and to English feelings and principles. It is a mockery to talk of transplanting the English law into the West Indies when the name only is carried thither and all the true English feeling is left behind. Then the law of England serves only as the law of fraud and oppression, rendered doubly disgraceful because carried on under the pretence of law and justice. . . .

“The hon. gentleman (Mr. Marryat) has stated in his speech that there are scarcely any people of colour in Trinidad, but I find that in 1805 there were 5,275, or five to twelve of the whole population, and three years later, in 1808, they had increased to 6,478. The Memorial presented by them is peculiarly touching from the humble, gentle and subdued nature of the language in which it is conceived, so different from other addresses upon the same subject presented by persons of the same description in other Colonies.”

The conduct of the Chief Judge was defended by another member (Mr. Smith), who asked whether a Petition signed by five hundred and seventeen whites was to be taken as representing the views and wishes of a population of 22,000 souls. He concluded by saying :—

“It is to be observed that the persons on whose account the present proposition is made are careful to provide that so far as property is concerned the Spanish laws are still to prevail, the measure in this respect being wished to become prospective. Highly as these gentlemen value the beauty of the English Constitution, and much as they wish it to be introduced into the Island of Trinidad, they seem to agree that those blessings would be too dearly purchased at the expense of their being compelled to pay their debts.”

The motion was lost without a division.

That the Government should, outwardly at least, defend the conduct of the Chief Judge was to be expected, but it cannot be denied that from the day of his arrival in the Colony Mr. Smith had conducted himself in a most extraordinary manner, and every mail took home the intelligence of some fresh proof of the length to which he carried his pretensions to almost absolute power, of which the following is one instance out of hundreds that might be cited.

In 1810 an English barrister by the name of Sanderson was living in Trinidad, who in addition to his private practice exercised

the functions of Deputy Judge Advocate to the Militia. This gentleman was imprudent, or bold enough to appeal from a decision of the Chief Judge to the Governor as Judge of the Court of Royal Audience, thus raising in a manner which could not be avoided the main question at issue between them.

Mr. Sanderson had deemed it his duty to call upon the Chief Judge to take notice of some alleged irregularities on the part of a solicitor of the Court named Love. For some reason or other the Chief Judge declined to interfere, upon which Sanderson appealed to the Governor. This greatly offended Mr. Smith, who characterized his act as a "patronizing of appeals from a higher to an inferior jurisdiction." As he was determined to show the daring offender the full extent of the power he claimed to wield, he at once issued a Court decree suspending him from his functions as an advocate under a penalty of sequestration to the Crown of one-half of his property, basing his decree upon the ground that Sanderson had received fees to appear for both parties to a suit then pending in Court, which was a serious offence under the Spanish law.

As soon as this decree was served upon Mr. Sanderson he made a formal appeal against it to the Governor. General Hislop perceived that matters between himself and the Chief Judge were now approaching a crisis and at once brought the question before the Council. An inquiry was held into the circumstances attending Sanderson's suspension, and after careful consideration the Council arrived at the conclusion that he had not been guilty of the breach of professional decorum attributed to him, and that the Chief Judge had acted on insufficient grounds. The Governor accordingly annulled the decree of suspension and reinstated Sanderson in his functions. Had the latter remained contented with this substantial victory the quarrel which ensued would have been between the Judge and the Executive, and he might have looked on as an unconcerned and amused spectator: elated however with his success, he wrote a most intemperate letter to the *Trinidad Weekly Courant*, in which he accused the Chief Judge of malice, ignorance of the law, and falsehood. In the same paper he caused to be inserted the minutes of the meeting of Council at which he had been acquitted of the charge of misconduct,

and after challenging the legality of the Commission under which Mr. Smith held his various offices, he thus concluded:—

“ I will not comply with it (*the Commission*), and consequently I set the authority he has usurped at defiance, and express my contempt of him as an unjust and dishonourable man.”

Such language as this could not be tolerated. The following communication was at once sent to the publisher of the paper:—

“ Government House,
“ December 29th, 1810.

“ Mr. Gallagher,—In order to do away with an impression which might otherwise be made on some minds from an avowal which appeared in a letter signed “ John Sanderson ” and published in your last paper whereby an idea is attempted to be supported, grounded on certain specific Spanish laws therein quoted, that a non-compliance with the judicial orders of the Chief Oidor would be justifiable, His Excellency the Governor in consequence feels himself bound to declare that such a doctrine can never be tolerated in this Government, nor on any pretence whatever can he admit of any hesitation in yielding implicit obedience to an authority proceeding out of a Commission under the Royal Sign Manual until revoked by the same; and His Excellency will therefore, in pursuance of his duty, be ever ready to accord to it every aid and assistance which may be required of him for the due maintenance thereof.

“ His Excellency has at the same time to express his concern and dissatisfaction at having seen the minutes of proceedings of His Majesty’s Council of the 22nd instant introduced into the body of the letter, the general nature and tenor of which deviate so far from the principles of temper and moderation he on all occasions has invariably recommended, and which has consequently incurred that entire disapprobation which on any similar occasion he will deem it his duty thus publicly to avow.

“ By His Excellency’s command,

“ THOMAS WALKER,
“ Secretary.”

The Board of Council passed a Resolution to the same effect and directed that a copy thereof should be sent to Mr. Sanderson.

This however by no means satisfied the Chief Judge. At the next sitting of the Court he directed the newspaper in which Sanderson’s letter had appeared to be formally recorded in order that he might “ inflict an exemplary punishment upon the author of the libel signed

‘John Sanderson,’” and further ordered the printers, Matthew Gallagher and Thomas Palmer, to be brought before him forthwith.

They at once gave up the name of the writer, and the Chief Judge then sent the whole of the proceedings to the Governor, accompanied by a letter requesting His Excellency to deal with the whole matter in *his* Court!

As may well be supposed General Hislop was not a little surprised at this step on the part of the Judge and again sought the advice of his Council. The result of their deliberations was that they considered the Chief Judge perfectly competent to deal with the case himself as one of contempt of Court. They further considered that the Governor had done all that could be expected from him in censuring Sanderson and declaring his intention to support the Judge.

The Governor communicated the proceedings of the Council to the Judge in a letter which terminated thus :—

“ It now only remains for me to request that Your Honour will in future refrain from transferring any cause or matter for my judgment which your own nearly unlimited powers authorize you to proceed and determine on, as however unwilling I am to suppose that in having so done in the present instance you had the smallest intention of conveying any mark of disrespect to the head of the Government, it nevertheless furnishes a motive from which to draw such a conclusion, and the scrupulous tenacity with which it is my duty to preserve unimpaired the dignity appertaining to the station of the Representative of His Majesty, has induced me to introduce this single observation and entreaty.

“ I have, &c., &c.,

“ T. HISLOP.

“ His Honour the Chief Justice.”

This called forth a long reply from Mr. Smith, in which he endeavoured to convince the Governor that he should have acceded to his request, and dealt with Mr. Sanderson himself.

The Governor did not see the force of the argument and—

“ Declined to accept such a commission from His Honour as he (the latter) was disposed to transfer to him, which might be construed into the acknowledgment of a superiority of which he could never admit even the supposition to exist.”

During the intervals of the correspondence between the Governor and himself Mr. Smith had not been idle. No sooner had he received the intimation that the Governor in Council had annulled his decree against Sanderson than he issued a warrant for his arrest and made an order sequestrating his property. The warrant was put in force, and Sanderson immediately petitioned the Governor in the Court of Royal Audience, claiming that he was entitled to exemption from arrest on account of his social position. This question the Governor referred to his Assessor, Don Andrés Level de Goda, a Spanish lawyer then an exile from Caracas. The Assessor declared that Sanderson being a barrister was invested with the privileges of an Hidalgo and could not be confined in the common gaol, but might be kept a prisoner in one of the forts, or in the Cabildo house, or placed under a guard in his own residence.

This opinion was sent to the Judge, who, although he detested Level and affected to despise him as a lawyer, did not care to dispute what was undoubtedly the law. He therefore directed that Sanderson should be conveyed to Fort George. He was greatly exasperated against both the Governor and Sanderson, and unfortunately for himself had not sufficient self-command to avoid showing his annoyance. He concluded the decree of arrest with the following words :—

“And let John Sanderson be informed that when he has any representation to make on any particular points he will do well to make it directly to this Court, which knows full well its duties in the administration of justice ; for which purpose His Majesty has been graciously pleased to confer upon it full powers without subjecting it to the control of any authority within the Colony.”

Sanderson's friends used all their influence in his behalf, and after he had been about a fortnight in custody the Alguazil Mayor, or Provost Marshal, received the following decree :—

“His Excellency the Governor and Commandant-General decreed yesterday that Mr. John Sanderson should be set at liberty as soon as he gave the necessary security according to law, which has been effected this day, and consequently I do make the same known to you for the purpose of acquainting the Commander of Fort George so as to set him at liberty.

“May God preserve you many years.

“ANTONIO ARDILA,

“Escribano.

“Port-of-Spain, 1st March, 1811.”

The Alguazil Mayor (who between the two contending powers found himself in no enviable position) communicated this decree to the Chief Judge, who at once wrote to the Governor:—

“Most Excellent Sir,—By an order authenticated by the Escribano Ardila which the Alguazil Mayor has put into my hands, it has come to my knowledge that Your Excellency has ordered the culprit John Sanderson to be set at liberty on giving security. This man was imprisoned by order of the Superior Tribunal of the Colony. Pending the decision of this cause in my tribunal, all other Judges are prevented from proceeding against the same criminal either for the same offence or for any other which Sanderson may have committed, in which latter case the proceedings ought to be accumulated with the process formed against him for the first. At present I am entirely ignorant upon the matter; and I wish to know, in case it is actually true that Sanderson is at liberty, what can have been the mode by which a culprit has been permitted to justify himself in any other tribunal than that in which he has been accused, or how any proceedings can have been instituted without any communication with the Judge in whose tribunal the cause was first carried on.

“God grant Your Excellency many years.

“GEORGE SMITH.

“Port-of-Spain, 2nd March, 1811.”

The answer to this letter came in the form of a decree:—

“The Alcalde del Crimen having been challenged by John Sanderson, I have myself formed a Court with reference to the 4th Law, 11th Title, 5th Book of the Recopilacion de las Leyes de las Indias, and having therein substantiated the point in question and other matters claimed therein, the following Resolution has been passed:—

“We declare well founded the challenge proposed by John Sanderson against the Alcalde del Crimen, George Smith, and in consequence, the proceedings had against him by the said Smith shall pass to the honourable Alcaldes in Ordinary that they together may continue, decide and conclude the same according to form and conformably to law; all appeals which may be lawfully interposed being heard before this Tribunal; and let the 30,000 maravedis deposited by John Sanderson to answer the result of this process be returned to him; and upon his giving sufficient security, according to the terms prescribed by the law, the limits of his arrest will be extended to the boundaries of the Colony.

“Thus ordered the President and his brother Judges.

“HISLOP.

“LEVEL.

“WHITEHALL.

“Port-of-Spain, 28th February, 1811.”

“In virtue whereof Your Honour will please to pass the papers to the Alcaldes in Ordinary in compliance with what is ordered by this

Superior Tribunal, and by these means you will come to the knowledge of that which you desire to know in your letter addressed to me of the 2nd March, and to which the above mentioned order is a sufficient answer.

“ God grant Your Honour many years.* ”

“ THOMAS HISLOP.

“ 4th March, 1811.”

The Chief Judge took no notice of the order conveyed to him but inscribed the following decree upon the proceedings:—

“ Let the above papers be added to the process, and let an account be transmitted immediately to His Majesty. Declaring at the same time, as this Royal Audience does declare, the pretensions of His Excellency the Governor to the faculties of a Superior Tribunal to be without foundation, the same being contrary to the laws, contrary to the title of creation whereby this Royal Audience was established, contrary to the Governor's instructions from His Majesty which accompanied this title, whereby His Excellency was deprived of the authorities as a Superior Tribunal with which he had before been invested, and the same were transferred to this Royal Audience established in my sole person representing all the members thereof collectively and individually, and as such not subject to be challenged from the nature of the creation itself. And let all further proceeding be suspended until the King's pleasure shall be known; and let it also be declared that all matters and things done contrary to this decree shall be null and void.

“ GEORGE SMITH.

“ Port-of-Spain, 5th March, 1811.”

The highhanded course pursued by Mr. Smith on this occasion did not improve the relations between himself and the Executive, and even alarmed his own supporters.

The feeling of the Colony soon found vent in England. On the 5th April, 1811, Mr. Bathurst laid a Petition before the House of Commons from the merchants of Bristol who had interests at stake in Trinidad which set forth:—

“ That the whole body of the inhabitants of the British Island of Trinidad, as well as the merchants of the cities of London, Dublin, Glasgow, Liverpool, Lancaster and Cork trading to the said Island, have petitioned for the establishment of British laws therein; and that the system of jurisprudence at present in force in the said Island is wholly

* It is amusing to read the manner in which the Governor and Chief Judge although writing in English adopted the stilted and complimentary style of Spanish officials.

incompatible with its commercial relations with this country and highly prejudicial to the interests of the petitioners, and praying the House to afford them some relief in the premises either by moving His Majesty to place the said Island upon the same footing as the other British West India Colonies or by such other mode as to the House may seem most fitting."

A few weeks later Mr. Marryat moved for a copy of Lord Liverpool's Despatch to Governor Hislop in which the Minister had given his reasons against granting a Constitution to Trinidad similar to those enjoyed by the other Colonies under the British flag. In reply the Chancellor of the Exchequer said the motion was calculated to do a great deal of mischief, and that if it were persisted in *he* would move that the address of the free people of colour to the King which had been sent to England in July, 1810, should also be laid before the House. Upon this the matter was allowed to drop.

Just about this time General Hislop obtained leave of absence for the purpose of going to Europe. The news of his approaching departure caused great alarm in the community, as it was felt that the Chief Judge would now be virtually uncontrolled. The Council and the Board of Cabildo addressed the Governor, urging in the strongest terms that he should not leave the Island until some satisfactory arrangements had been made for the administration of justice. In reply General Hislop expressed himself most grateful for the high compliment to him implied in these addresses, but informed both Boards that it was impossible for him to accede to their request, as not only were his own arrangements complete, but General Munro, who was to relieve him, was actually *en route* for the Island.

On learning this the Cabildo took a step which brought matters to a crisis.

A full meeting of the Board prepared an address to the Governor setting forth at great length all the evils to which the community was exposed by the manner in which the Chief Judge exercised the enormous powers with which his Commission invested him. They further alleged that the uniting in one person of the three offices held by Mr. Smith was contrary alike to the letter and to the spirit of the Spanish law. They drew the Governor's attention to the fact that by that same law (30 Title, 18th Partida, and 2nd Title, 14th Book of the Recopilacion de Castilla) they, the Illustrious Board of Cabildo, were forbidden

to permit the exercise of any authority which might be adverse to the common rights of the people; and then, claiming to exercise that power, they acquainted the Governor that they had passed a Resolution "that the Hon. George Smith should be suspended from the execution of his office until the determination of His Majesty should be known."*

On receipt of this address the Governor at once convoked the Council and begged the members to assist him with their advice in what he saw clearly would become a very serious matter for all concerned.

After a long and serious deliberation it appeared that the majority of the Board were in favour of modifying the Resolution of the Cabildo by restricting the authority of the Chief Judge to his appellate jurisdiction. This was accordingly done by a formal Resolution, a copy of which was at once communicated to Mr. Smith.

It will be easily believed that a man of his temperament did not tamely allow himself to be thus stripped of his power and importance. Two days later he sent the following letter to the Council:—

"The Clerk of the Council has communicated to me the minutes of the Board of yesterday's date, together with the proceedings of the Cabildo as laid before the Council.

"I acknowledge no authority in this Colony competent to restrain the King's commands, and I protest against the proceedings of all whosoever, individually or collectively, who substituting the passing power of the day for the rational authority of the law, have rashly ventured to destroy what the wisdom of the Sovereign has deliberately and lawfully established.

"I claim to be all my Royal Master has created me, and I will not consent to be a party to this act of violence against him, by holding at the pleasure of others a part only, where he has been pleased to invest me with the whole.

"Circumstanced as I now am my public duty requires that I should repair immediately to England, and I request of His Excellency that he will order the usual pass to be signed on my giving the customary securities.

"GEORGE SMITH."

* The minutes of this meeting were signed by John Nihell, Chas. Desson, Bart. Portel, Andrés Level de Goda, Philip Langton, Charles Melville, Ant. Portel, Francis Vence, Louis Montrichard, John Boissière, Jas. Meany, Ed. Gardiner, and Valentine de Basanta.

This letter was read at the Council and entered upon the minutes. but the Board declined to consider it as a formal protest. A Proclamation was then drafted and issued, informing the public of what had occurred, and reviving the Courts of the Alcaldes.

As soon as this Proclamation appeared the following letter was addressed by the Chief Judge to the Clerk of the Council :—

“Sir,—His Excellency the Governor having thought fit by his Proclamation of the 19th of March, 1811, to suspend *in toto* the Commission granted to me by His Britannic Majesty, bearing date 1st October, 1808, and in lieu thereof to direct an appellate jurisdiction different to that entrusted to me by the King, whose orders alone it is my duty to obey: in the active exercise of my functions, and considering that the King's representative, the Governor, though he may suspend, cannot change, still less extinguish the authority which the King has created and which therefore the King alone can abolish, I deem it incumbent on me to warn you as the Public Registrar of my tribunals that all interference with the proceedings of those tribunals, pending this suspension and until His Majesty's pleasure is made known, is unlawful; that in the event of His Majesty being pleased to declare the present suspension of my authority to be unfounded, all such proceedings so unlawfully tried will necessarily be declared to be null and void, that in such cases I shall look to your principal and to his sureties for indemnity on behalf of the clients of those Courts against all damages, delays, prejudices and hindrances which may arise to them from such interference.

“GEORGE SMITH.”

This letter was also entered on the minutes of the Council, together with an expression of opinion on the part of the Board that in writing it the Chief Judge had aggravated the circumstances which had already led to his partial suspension.

The position of the Chief Judge had now become most awkward for himself and every one else. He naturally desired to get away from the Island not only on this account, but also from a wish to plead his own cause at the Colonial Office. He therefore repeated his application to the Governor for leave of absence. In reply he received a polite expression of regret that it was impossible to accede to his request, as by the terms of the Spanish law the King alone could permit a Chief Oidor to absent himself from his district.

The Judge now saw that he must be prompt if he would obtain the first word in Downing Street, and he therefore left without leave

on board of an English schooner, which, after clearing from Port-of-Spain, lay to off Maqueripe Bay on the northwest coast of the Island on purpose to receive him.

In this hurried departure he was aided by a young Virginian gentleman, Mr. William Hardin Burnley, who had not long before established himself in Trinidad, where in after years he was destined to play a very leading part.

If the assertions contained in the following letter are to be believed Mr. Burnley had very substantial reasons for aiding Judge Smith in every possible way :—

“ Trinidad,

“ 12th June, 1810.

“ Our political horizon grows darker and darker and will explode in a hurricane.

“ A complete schism has I fear taken place between the Governor and Oidor, which however will not as in former times split us into parties, for we shall all be in favour of the former, and with great justice.

“ The Governor has long seen, and with great regret and dissatisfaction, the *imperiousness* of this man, but he never expressed his feelings openly until now. An extraordinary meeting of the Cabildo is to be held this day at which the Governor will preside, and we are to have a full meeting of Council on Wednesday, both of which have for their object the illegal, arbitrary behaviour of this man, and I suppose to take some steps for arresting the evil. His ambition is now entirely absorbed by one object—to throw into the hands of Burnley all the property he can find an excuse for laying hold of in the country, either from the death of the proprietors or from claims of creditors, and that the revenues of these properties shall be by him (after having had good pickings out of them) remitted to his friend Mellish.

“ Burnley you see has the office of Depositario General of his Court, a place of immense responsibility according to the Spanish law and for which the holder is obliged to give real security to a very large amount. But nothing of the kind has been done. Burnley is Depositario at large and it is computed that by *Bienes de difuntos* alone which he will be in possession of by the Judge's pleasure, in a short time he will have the amount of a million and-a-half of dollars.”*

The office of Depositario General had under the Spanish Government been looked upon with great disfavour on account of the facilities

* The above is an extract of a letter from Mr. Black, one of the members of Council (the same who figured in the affair of the Escribano de Castro), to Mr. Marryat.

it afforded for exaction and oppression. Every species of property which became the subject of litigation was from that fact placed immediately under the control of the Depositario, the revenues arising therefrom being paid over to him. Nominally he had to account for all moneys he received, but all who have taken the trouble to study the history of the Spanish Courts of Law can easily calculate how much or how little of those revenues ever returned to the rightful owners.*

In 1788, Charles III. of Spain endeavoured to remedy this crying evil, but too many persons were interested in maintaining so lucrative an abuse, and it was not until 1799 that Charles IV. by a peremptory decree abolished the office throughout the Spanish dominions.

In 1797, the appointment was held by Don Francisco Mendez, who shortly afterwards was banished by Picton for keeping up a secret correspondence with the Captain General of Caracas. After his departure the office was not filled up until 1810, when the Cabildo nominated to it a gentleman of the name of Samuel Span, an appointment which was confirmed by General Hislop.

As soon as this nomination was communicated to the Chief Judge that officer addressed the following memorandum to the Governor :—

“ Mr. George Smith, invested in his sole person by His Britannic Majesty with all the judicial authorities of the Royal Audience of Caracas, in respectful reply to the letter of His Excellency the Governor of yesterday's date, in the ordinary sitting of this day says: that without prejudice to his rights, privileges and prerogative granted to him, either by the Spanish law or his Sovereign's especial Commission, and being desirous of proving his anxiety for the preservation of harmony and tranquillity between the political and judicial chiefs, he directs that until further orders all such deposits as are treated of by the laws of Castille and the Indies be placed in the hands of Mr. Samuel Span, which may now be, or hereafter come, within the authority of the Royal Audiencia or the tribunals of the Chief Oidor; at the same time, in compliance with still greater duties and the blind obedience it owes to the Commission of the Sovereign, this Royal Audience declares, that this appointment of a Depositario General in the person of Samuel Span under existing circumstances, is contrary to the laws in force; and further, this Superior Tribunal cannot acknowledge as valid any act or proceeding of the Illustrious Cabildo to which is wanting the only true verification, the signature of

* As in many other instances the law in its intention was admirable, its administration infamous.

its lawful Escribano. The Royal Audience will not fail to transmit to the Sovereign an account of those laws which have been violated on this occasion.

“GEORGE SMITH.”

On the 3rd December, 1810, Span addressed the following Memorial to the Governor :—

“The Memorial of Samuel Span sheweth :

“That your memorialist has been appointed Depositario General of this Colony by the Illustrious Board of Cabildo, was confirmed by Your Excellency, and under the orders of Your Excellency in form notified the Judges of the different Courts and the Commandants of Quarters.

“That your memorialist has applied in writing to the Escribano of the Courts of His Honour George Smith for accounts of judicial deposits in order that he might call upon temporary receivers to account for and transmit the same to him, but that all communication relative thereto has been withheld, and that His Honour George Smith continues to direct deposits to be made otherwise than into your memorialist’s hands, and as your memorialist conceives, illegally.

“That your memorialist has been informed from authority that His Honour the said George Smith has applied for leave of absence to quit the Colony.

“And therefore your memorialist humbly prays Your Excellency’s interference to prevent any such departure of His Honour George Smith from this Island, or of his deputed Receivers, W. H. Burnley or J. B. Littlepage, Esqrs., or any other receivers of deposits whom His Honour George Smith may have appointed, and of and from whom your memorialist cannot obtain any official information. . . .

“SAMUEL SPAN,

“Depositario General.”

The Governor referred this Memorial to the Cabildo at a special meeting called for the purpose “of consulting on matters for the good of the Commonwealth.” There were present at this meeting Messrs. Valentine de Basanta, first Alcalde, John Nihell, Philip Langton, Samuel Span, Benj. Castelet, Manuel Sorzano and James Cadett, and the result of their deliberations was that the Governor should be asked, in the event of the Chief Oidor leaving the Colony, to require him to give a general order for the delivery to him (the Governor) of all deposits which might be in any one’s hands.

This was communicated to the Chief Judge by the Governor in the same letter in which he informed the former that he was unable to grant the leave of absence he had applied for.

Mr. Smith replied in (for him) very moderate terms, and thus concluded his letter :—

“ I beg to state to Your Excellency that at this moment there is not, I believe, a deposit of any kind in the hands of any one under my authority.

“ GEORGE SMITH.”

It is hard to believe the Chief Judge guilty of deliberate falsehood, but how can this statement be reconciled with the following notice (one of hundreds of a similar nature which are to be found in the local papers of that date) :—

“ By order of His Honour the Chief Oidor made in the several suits pending in his tribunal against A. Sablich, and Sablich and Dieffenthaler, notice is hereby given to the several debtors of the said defendants either by bond, note or open account, that they have voluntarily surrendered the same into the tribunal in part satisfaction of the several demands against them, which have been delivered to W. H. Burnley, Esq., as the Depositario of the Court for collection thereof.

“ By the Court,

“ J. GLOSTER,

“ Deputy Registrar.

“ Court House, 29th May, 1810.”

The mercantile body believed that the large sums of money which passed through the hands of Mr. Burnley were used by him in his own business. This was repeatedly and strenuously denied by Judge Smith, who officially declared that the moneys were from time to time lodged in the hands of a Receiver in London, who was instructed to invest them in Government securities for the benefit of those concerned. The fact still remained that the estates were managed by the Court, and that Mr. Burnley had the control of them and supplied them with all things needed ; and to those acquainted with the West Indies it will not appear strange that under such circumstances he was believed to be amassing a fortune.*

* In his letter to Lord Liverpool already cited, Mr. Marryat stated :—“ Executions have been levied, and of the property lodged in Court to the amount of £180,000 since his (Judge Smith's) arrival not much more than £4,000 had been paid to the plaintiffs when the last advices were received from Trinidad.” Mr. Marryat stated this on the authority of a letter received by him from J. Lewis, Esq., a practising barrister in Trinidad.

The hurried departure of Judge Smith put an end to a contest between himself and the Governor which was in some respects very ludicrous, but which unfortunately was attended with serious consequences to private individuals and also to the Colony at large.

That which is most extraordinary in the whole transaction is that it never seems to have occurred to either the Governor or the Judge to submit their differences to the Sovereign, although neither of them could doubt that he was their common superior. Instead of doing this they each quoted chapter upon chapter of Spanish law in support of their pretensions, quite forgetting that although that law was retained the machinery by which it was enforced had necessarily undergone modifications.

The consequence was a state of utter confusion, most clearly described in a Memorial addressed to General Munro shortly after his arrival in the Colony, and which was thus worded :—

“ To His Excellency Major-General Munro, &c., &c., &c.,

“ His Majesty’s Attorney-General of the Island of Trinidad, and the Advocates and Solicitors practising therein, represent to Your Excellency that by two several decrees given by the Hon. George Smith, Chief Oidor of the said Island, it appears that the jurisdiction of the Alcaldes in Ordinary was thereby declared to be confined to the limits of Port-of-Spain, and every proceeding had against any planter of another district *coram non judice* and consequently null ; that for want of a superior tribunal the legality of these decrees even if questionable cannot be determined, and that therefore the profession are bound to consider them as rendering any proceedings which may henceforth be brought before the said Alcaldes or either of them against such planters liable hereafter to be moved to be set aside by any authority competent to take cognizance of pleas to their jurisdiction therein. That previous to the conquest of the Island the jurisdiction of the Alcaldes was limited as aforesaid, and all suits against planters were brought before the Auditor de Guerra and Assessor of the Governor, who, according to the Spanish laws which have since been continued generally in force, was competent to decide thereon, and his sentences when confirmed by the said Governor had the force of decrees ; but as the Governor was by the Spanish laws supposed not to be conversant in the same, all responsibility whatsoever attached to the said Auditor and Assessor ; while at the same time the power which was vested in the said Governor to decline such confirmation and decree on his own responsibility in cases where he thought it advisable to do so operated as a wholesome check on the possible error or prejudice of the Auditor and Assessor. That Sir Ralph Abercromby on the capture of the Island banished the Assessor and appointed the Hon. John Nihell Chief Judge of the same

with general jurisdiction. That some time afterwards Governor Picton allowed the Alcaldes in Ordinary to exercise general jurisdiction subject to his own revision and interference, and also appointed a Court of Consulado for commercial transactions.

“ That some time after that, Governor Hislop in Council was appointed a Court of Appeal and restored the said Chief Judge to the full exercise of his general jurisdiction; and the Alcaldes were not allowed to take cognizance of suits against planters but with the said Governor’s special reference, a permission which, as Superior Tribunal, the said Governor was empowered to grant. That some time after that His Majesty was pleased to divest the Governor in Council of his appellate jurisdiction without prejudice to his judicial authority when having an Assessor, but depriving His Excellency thereby of the power of referring cases to the Alcaldes, and to declare the Commission of the said Chief Judge revoked, and to appoint the Hon. George Smith Chief Oidor, First Alcalde del Crimen and Fiscal, with the further powers heretofore exercised by the Royal Audience of Caracas, by whom, in his capacity as aforesaid of Chief Oidor, the said decrees first alluded to were promulgated.

“ That on the 19th day of March, 1811, Governor Hislop suspended the Chief Oidor and Alcalde del Crimen from the exercise of any judicial authority save that of a Court of Appeal, as established by the seventh Article of His Majesty’s Instructions; that Governor Hislop, previous to his departure, issued a Proclamation authorizing the Alcaldes to take cognizance of all suits which were not determined at the time of the suspension of the Chief Oidor until His Majesty’s future commands should be signified. That the six months allowed by the Spanish law for the confirmation by His Majesty of such orders have elapsed, and the same are hereby become void.

“ That the said Chief Oidor and Alcalde del Crimen left this Island on the 9th day of April last past, and Governor Hislop was soon after replaced in the government of this Island by Your Excellency.

“ The Alcaldes in Ordinary became and still remain the sole tribunal exercising judicial authority in the Colony, except that of the Court of Consulado lately re-established, whose jurisdiction is by law confined to commercial disputes between merchant and merchant.

“ That on the——day of——last past a letter from His Majesty’s Secretary of State for the Colonial Department was also received by Your Excellency signifying the Prince Regent’s commands in directing the reinstatement* of the said Chief Oidor and Alcalde del Crimen as aforesaid, and thereby his Commission became valid and in force again, but there is no person to execute the authorities thereof.

“ Wherefore your memorialists are of opinion that no Superior Court or Court of Appeal, or Court having jurisdiction over planters actually exists in this country, and therefore represent to Your Excellency not

* Pending the decision of the Privy Council, Mr. Smith never returned to Trinidad.

only the inconvenience so arising to suitors, but the necessity which results of appointing a qualified Auditor and Assessor to Your Excellency, or of appointing some person to execute the office of the Chief Oidor's Commission, in order that those causes left undecided by him, as well as those various suits or demands against planters residing out of the district of Port-of-Spain, may be legally determined, and your memorialists and the public relieved from the risk of nullity for want of jurisdiction over the proceedings so left pending in the tribunal of the Chief Oidor and those which have been or in future may be brought before the Alcaldes in Ordinary against such planters for want of other tribunals empowered to take cognizance of the same.

"And in case Your Excellency should be graciously pleased to consent to make either of the said appointments your memorialists further pray that the same may be made only provisionally until His Royal Highness the Prince Regent's pleasure in the premises be made known; and that Your Excellency would be pleased to transmit a copy of this humble representation to His Majesty's Principal Secretary of State for the Colonial Department for the information of His Royal Highness.

"And your memorialists, &c., &c., &c.

"ASHTON WARNER, Attorney-General.

"JOSE JUSTO BETANCOURT, Doctor of Laws.

"GEORGE KNOX, Advocate.

"JOHN WHITEHALL, „

"HENRY FULLER, „

"JOHN LEWIS, „

"LOVE, Solicitor.

"Port-of-Spain, 27th Sept., 1811."





CHAPTER XXIV.

GENERAL MUNRO arrived in Trinidad shortly after the departure of Mr. Smith, and to him General Hislop handed over the Government which he had administered for eight years.

Succeeding as he did to a man of such energy and activity as Picton and to the comparatively easy times which were due to the unwearied exertions of that officer, Hislop had but few opportunities of distinguishing himself as a Governor, and local tradition has handed him down to posterity as a man of pleasant manners and convivial habits, a soldier rather than a statesman, and for that reason not well fitted to cope with the difficulties of a civil Government.

This is not, however, a fair estimate of his character. Towards the end of his administration he undoubtedly allowed himself to be too much influenced by a clamorous and persistent minority, bent upon carrying out their own selfish policy; but on the whole he was a man of fair ability and capable of acting with firmness whenever firmness was required. The addresses which were presented to him when it first became known that he was about to leave the Colony, in the hope that he might be induced to remain, as well as those which were made when it was certain that his departure could not be delayed, prove sufficiently the estimation in which he was held by the people of Trinidad. His enemies accused him of being unduly addicted to the pleasures of the table, alleging that this frequently rendered him unfit to discharge the duties of his office. This imputation was indignantly repelled by the whole Board of Council when in 1808 his opponents did not scruple to charge him with habitual intemperance.

His administration is thus epitomized by the author of "Rambling Reminiscences":—

"Hislop, an honest, brave soldier, but indolent, succeeded the Commissioners.

"All hearts were subdued, the Island gradually prospered, no dis-tempered politics ruffled its prosperity. This enviable state of things was too good to last. Officina (the Colonial Office) soon began to work;—sent out a Mr. George Smith as Chief Oidor; ambitious of possessing power, he asked for it at the hands of the Minister, who graciously empowered him to make out his own Commission; he did so, and added to his original appointment the full and awful powers of the Court of Royal Audiencia. Inducted he went off at score, which caused a French acquaintance to warn him that moderation with Trinidadians might be prudent. He contemptuously responded "*c'est un peuple de moutons*."

"He imprisoned Gallagher the printer, for an innocent (English) paragraph;—published with ostentation his numerous decrees; when appealed from as Tribunal of the First Instance he entertained the appeal himself, attired in a fantastic garb as Judge of the Court of Royal Audience.

"There were no bounds to the freaks of this creature of the Colonial Office, when at last Mr. Bégorrat stimulated his brother Councillors to advise Hislop to supersede him; it was done, the Oidorship only remaining. Finding the people becoming more leonine than sheepish he slipped away, being smuggled off at Maqueripe Bay on board the *Grenada* by his friend Mr. Burnley, in the disguise of a sailor. Great was his interest—greater his fears—*et il ne revenait pas à ses moutons*; appointed to a high situation in Ceylon, he committed suicide. Hislop, promoted to a Presidency in India, left us and distinguished himself in the field."

General Munro administered the Colony from April, 1811, until June, 1813, and the only event worthy of note which occurred during that time was one which to be fully understood requires a glance at the history of Venezuela since 1796.

The geographical situation of Trinidad is such that neither socially, commercially, nor to a certain extent even politically, can it be separated from the opposite continent, and the experience of nearly a century has shewn that the Colony is always more or less affected by events in Venezuela. Although not so entirely as in former years, Trinidad still to a very great extent depends upon Venezuela for its supplies of beef and other articles of food; whilst the social and commercial relations between the two countries are daily becoming more extended and there is therefore nothing foreign to the purpose of this work in the following digression.

During the war between Great Britain and Spain (1796-1801) the English Ministry did not scruple to use every means in its power to harrass and cripple an enemy who in their opinion had forfeited all claims to consideration by becoming the ally of the French Republic. The Proclamation issued by Picton and by his orders widely disseminated throughout Venezuela in June, 1797, was one of the means resorted to, and did not fail to produce the desired effect. It not only encouraged the contraband trade between Trinidad and Venezuela, but strengthened the hands of the patriots (as the revolutionary party in South America called themselves), who were then commencing the long struggle for Independence, which was to end in the loss to Spain of all her vast possessions in the New World, with the exception of Cuba and Porto Rico.

Within a month from the appearance of that Proclamation on the mainland, a plot was discovered in Caracas which, from the names of its two most active chiefs, became known in Venezuelan history as "La Revolucion de Gual y España;" and Don Pedro Carbonnel, then Captain-General of Caracas, in his official report to the King of Spain, traced the commencement of this plot to—

"The promptings the conspirators received from the English Commandant of Trinidad, who from thence not only inundated the whole coast of Venezuela with papers both printed and written, but made offers of a powerful protection and of a free and extended commerce for the benefit of the people of Caracas."

In 1811, however, the policy of the English Government was completely changed. Spain had now become the ally of Great Britain and was strenuously endeavouring to shake off the yoke of Napoleon, and Picton had been for some time fighting in the Peninsula for the liberties of a nation whose representative only a few years before had offered for his head a reward of \$20,000!!

These momentous changes were not immediately known in South America, the communication with the Mother Country having almost entirely ceased during the war. The Viceroys and Captains-General were the only persons who had some little inkling of the march of events, and they kept their information to themselves, determining to shape their conduct so as best to further their own interests.

In July, 1808, the Supreme Council of the Indies informed the Captain-General of Caracas, Don Juan Casas, of the double abdication of Charles IV. and Ferdinand VII. in favour of Joseph Bonaparte, and that Murat had been named Lieutenant-General of the Kingdom. The immediate result of this was a popular tumult in Caracas; vast crowds of all ranks, Creoles as well as European Spaniards, indignant at the treatment to which their Sovereigns had been subjected, assembled in the streets, swearing fidelity to their rightful rulers and clamouring for vengeance upon the French. Suspecting the loyalty and good faith of the Captain-General, the mob compelled him to take an oath of allegiance to Ferdinand VII., and it was with no little difficulty that the two French Commissioners who had brought the official intimation of the change of dynasty escaped with their lives amidst cries of "*Viva Fernando VII., y muera Napoleon con todos sus Franceses.*"

On the same day an English vessel of war arrived at La Guayra with the welcome news of the alliance between Spain and Great Britain and of the commencement of the Peninsula war. On the receipt of this intelligence the Captain-General was much embarrassed what course to adopt. He dreaded the anger of Joseph Bonaparte, the King *de facto*, if he failed to uphold his authority, and at the same time feared to irritate into actual violence the partizans of Ferdinand, the King *de jure*. The first risk was remote, the latter was immediate and at the very gates of his Palace. In his perplexity he adopted a vacillating line of action which only increased the popular anxiety and excitement.

At this juncture a Proclamation appeared in Caracas emanating from the "Supreme Junta of Seville," the recognized head of the Royalists of Spain calling upon all the Spanish officials of South America to submit to its orders as representing provisionally the authority of the rightful King. This Proclamation was laid before the Ayuntamiento or Cabildo of Caracas, and the question was discussed at length. Staunch Royalists though they were, there yet was a strong disinclination to submit so entirely to the authority of a body which had been illegally, or at all events irregularly called into existence.

The Captain-General, however, determined to follow the course pointed out by the Proclamation, and told the Cabildo in plain terms that (if necessary even by force) he would support the authority of the Junta of Seville. If in adopting this course his policy was to create a breach between the Colonies and the Mother Country he certainly succeeded, for from that day the Revolution commenced, which eventually freed South America from the rule of Spain.

The greater proportion of the wealthy colonists, whether native born or settlers from Spain, resented his interference as despotic and unconstitutional. Meetings were held, and it was finally decided to form a Junta on the same model as that of Seville and for the same purpose, viz., the protection of the rights of Ferdinand VII. The plan was proposed to the Captain-General in the form of an address or petition signed by the principal promoters. The answer was an order for the arrest of all those who had put their signatures to the document. One of them was sent a State prisoner to Spain, a few were released after a short imprisonment; others were banished from the Spanish territories.

The Government of Venezuela remained (nominally at least) under the control of the Junta of Seville until 1809. In January of that year that Body assumed to itself the whole Executive power in the name of the deposed King, and in recognition of the loyalty which had been shewn on many occasions to the Crown of Spain by its American subjects, declared the vast dominions of Spain in the New World to be an "integral and essential part of the Kingdom" (*una parte esencial y integrante de la Monarquía*).

The novelty of this decree, which seriously affected the Colonies, consisted in the fact that it established for the first time a perfect equality between Spaniards born in South America and their European fellow subjects. It also provided that the Spanish-American Colonies should send deputies to the Cortes of Spain. The number of deputies was limited, and so many conditions were to be complied with before they could be eligible for election that this concession to the colonists was of little practical value; but still the decree was received by the latter, if not with enthusiasm, still with considerable satisfaction, as an earnest of better things to come.

Almost simultaneously with the publication of this decree Don Vicente Emparan was appointed Captain-General of Venezuela.

A man of great ability and one who had in many ways distinguished himself in the service of his country, his accession to that office would at any other time have been hailed with satisfaction. There was now, however, a strong and influential party in Venezuela composed of men who as yet had not the slightest notion of separation from Spain, but who were determined to make an effort to shake off the despotic yoke of the Viceroy by whom Spain was represented. These men, naturally enough, were anything but pleased to see the Government pass into the hands of so able and energetic a man as Emparan, more especially as he was known to look upon their views with the greatest disfavour.

It must not, however, be supposed that they had anything in common with the Republican party. On the contrary, the early leaders of the movement, destined in a few years to convulse the whole of Spanish South America, were at that time ardent Royalists, and one of their reasons for disliking the nomination of Emparan was his known leaning towards French ideas. Watching their opportunity and taking advantage of some rather unwise acts of severity with which he inaugurated his tenure of office, they again endeavoured to establish a Junta by which Venezuela should be governed in the name of Ferdinand VII. Whilst they were intriguing to carry this plan into execution it became known in Venezuela that the Junta of Seville had been dissolved, and that for the moment the French were masters of the Peninsula, except Cadiz and the Isle de Léon.

In the early days of the century news from Europe even in times of peace were slow in reaching America ; and when the Atlantic was covered with the cruisers of the belligerent powers, as was the case in 1809, it was only at rare and very uncertain intervals that the stirring events of the great Napoleonic wars became known to the colonists. When the Venezuelans learned the disasters of the Royalist party in Spain their excitement became uncontrollable and matters soon reached a crisis. All parties were dissatisfied with the way in which Emparan carried on his government, and it was determined that on Holy Thursday, when, according to custom, the Cabildo would be assembled

under the presidency of the Captain-General, there should be a demonstration of the whole community in favour of the establishment of a Royalist Junta.

The events of that day belong to the history of Venezuela, and it is sufficient here to state that the popular party gained their point, and that a Junta was formed which assumed all the powers of the Executive and banished from the Province the Captain-General, the Intendant, the Auditor de Guerra, and several other high officials.

The authority of the new Government was at once recognized by the Provinces of Barcelona, Cumana, and Margarita, and their example was speedily followed by all the others except Coro and Maracaibo. Guayana had at first submitted to the newly established Junta, but subsequently withdrew from the confederation, owing, as was believed, to the influence of the Capuchin Missionaries.

One of the first acts of the Junta of Caracas was to endeavour to establish relations with the Council of Regency in Spain which directed the movements of the adherents of Ferdinand VII. This Body had succeeded to the Junta of Seville after its expulsion by the French in 1810, and was composed of six members, who ruled in the name, and with the authority of the King.

The Junta of Caracas wrote to the Council of Regency that—

“The Americans, equal as they were in the eyes of the law to all other Spaniards, had been forced under similar circumstances to act as they (the Spaniards of Europe) had done, and to form a Provisional Government until one should be established upon a legitimate basis for all the Provinces in the Kingdom; that they could not recognize this most essential element of the Council of Regency, but at the same time they offered to their brothers in Europe all possible assistance in the sacred struggle in which they were engaged and a home in Venezuela to those who despaired of the future of Spain.”

The next act of the Junta of Caracas was to declare the trade of Venezuela open to all the world. Special favour was shewn to British traders, who, both on imports and exports, were taxed one-fourth less than those of any other nation. This was done to insure the aid of Great Britain, and an envoy was sent to London to ask for protection and assistance in the event of the French attacking Venezuela, and also to secure the good offices of the English Government in obtaining

certain privileges and liberties from the Crown of Spain for the American Colonies.

The envoy chosen to represent Venezuela was a young man of good family but as yet unknown. This was not to be so for any length of time ; a few more years and SIMON BOLIVAR* would be known throughout the world as the author of South American Independence.

He had no easy task to before him. England was now in close alliance with Spain : and although the patriots in Venezuela claimed to act in the interests of Ferdinand, they were beginning to show symptoms of a craving for independence. It was but a few years since the emissaries of the English Government had sedulously excited that very desire, but now the policy of that Government had changed, and the English Ministry could no longer openly aid the Colonies to break from their allegiance to the Mother Country. On the other hand, the commercial advantages held out by the Junta of Caracas were not to be despised, and Bolivar was therefore received with great cordiality and kept in play with half promises and ambiguous phrases, with which he was forced to be content.

In the meantime the Provisional Government in Spain had taken alarm at the acts of the Junta of Caracas, especially at the opening of the ports—a policy utterly opposed to the traditions of the Spanish Chamber of Commerce. On the 1st August, 1810, the adherents of the popular party in Venezuela were declared to be rebels, and the whole Province was treated as an enemy's country, the ports being strictly blockaded by the vessels of the Spanish Government. Thus the first step openly hostile to the Colonies was taken by the Mother Country, and by it and its consequences Trinidad was seriously affected.

The Gulf of Paria was occupied by the vessels of each party. Guayana and the mouths of the Orinoco were held by the Royalists, while the eastern coast of Venezuela, from Maturin to Cape La Peña, was in the hands of the patriots. Every boat and vessel leaving Trinidad was boarded by one or the other, sometimes by both, and in many cases valuable cargoes were seized under some flimsy excuse and without the slightest respect for the law of nations or the alliance

* Simon Bolivar was born on 24th July, 1783, in the city of Caracas.

between England and Spain. In August, 1812, a Memorial was addressed to General Munro by those merchants of Port-of-Spain who were chiefly interested in the trade between Trinidad and the mainland. The memorialists represented that they were most seriously injured by the acts of the belligerents, and urged upon the Governor that although the English Ministry had declared that a strict neutrality would be maintained by England in the quarrel between Spain and her Colonies, that ought not to preclude the Government from taking measures to protect the trade and interests of its own subjects. This demand, although reasonable enough, did not meet with favour at the hands of the English Government, and for some years the same lawless conduct was pursued by the semi-piratical vessels infesting the Gulf of Paria, which were commanded by men who (no matter under what flag they sailed) held all vessels they could attack with impunity to be lawful prize.

Towards the end of 1812 there was a partial cessation of hostilities in Venezuela, owing to the almost total extinction of the patriot forces by the Royal troops. So complete had been the triumph of the latter that to all appearance Venezuela had returned to its allegiance to the Mother Country. The leaders of the patriot party were either in prison or had left the country, and the lower classes, which had suffered considerably during the recent struggle, now ranged themselves with the Royal troops under General Monteverde, who, more by good luck than by military ability, had obtained a series of successes, followed up by acts of ruthless cruelty, which, by crushing all resistance, had gained for him the *sobriquet* of El Pacificador (the peacemaker), for at one moment it appeared that he had completely stamped out the incipient Revolution which had not as yet extended beyond Venezuela and New Grenada.

Monteverde however forgot, or more probably had never learned, the lesson taught by the history of the world from its earliest days, that a conquered race, wisely dealt with, may in course of time amalgamate with its conquerors, but unjustly and harshly treated will always be a source of danger. It must be liberally and fairly ruled or utterly destroyed. Either from ignorance of this axiom or carelessness of the result, Monteverde and another Royalist Com-

mander named Cerveris committed acts of such atrocity that the almost dying embers of Revolution were once more fanned into flame.

It was in the district of Cumana that the signs of a revival of the patriotic spirit were first perceived. Many hundreds of families, flying from the relentless cruelty of the Royalist Commanders in Central Venezuela, had taken refuge in the woods and mountains of the eastern coast waiting a favourable opportunity to escape to one of the neutral Colonies. Of these a few succeeded in reaching Chacachacare, an Island belonging to the Government of Trinidad which lies almost immediately opposite to Punta de la Peña, the most eastern point of the Peninsula of Paria, the passage between which and Chacachacare forms the Boca Grande.

These refugees, forty-five in number, recognized as their chief a young man named Santiago Mariño. By birth Mariño was a Creole of Margarita, but his family owned property in Trinidad, where some of his relatives resided. Mariño was an ardent Republican, daring even to rashness. He had a certain experience in military matters, having served for some years in the Trinidad Militia, no bad school in those days, especially with Picton as Commander-in-Chief.

He determined to take possession of Guiria, a small town upon the eastern coast of Venezuela, within the Gulf of Paria, and which was then occupied by five hundred Royalist troops under the command of a naval officer, Don Juan Gavazzo. He communicated this project to his comrades, who unhesitatingly agreed to follow him, and one night in the first week of January, 1813, this daring band armed only with a few old muskets, crossed the Boca Grande in canoes, determined to risk all on one desperate venture. Fortune, which of late seemed to have entirely deserted the patriots, now suddenly turned in their favour. Gavazzo and his troops were absent, and Guiria, having no other defenders than the local Militia, was seized without resistance by Mariño and his followers. The news of the capture spread like wildfire, and Mariño was shortly at the head of over five thousand men, whom he equipped as best he could from the stores which he found in the town when it fell into his hands. Maturin, an important town on the Rio Guarapiche, soon afterwards submitted to him, and thus recommenced the second period of the war of Independence, the

narrative of which belongs to the history of South America, although many of its incidents will have to be dwelt upon in due course on account of their connexion with the history of Trinidad.

Intelligence of the daring exploit of Mariño reached General Munro too late to enable him to take steps to prevent the departure of the expedition from British territory. To show, however, that the Government did not sympathize with the patriots, a Proclamation was issued banishing from the Island with confiscation of their property all persons who had taken part in Mariño's enterprise.

Nothing else worthy of record occurred during the remainder of General Munro's administration, which terminated on the 14th of June, 1813, when he delivered over the Government of the Colony to Sir Ralph Woodford.

The Government of Sir Ralph Woodford forms a distinct and most important epoch in the history of Trinidad. From the capitulation until his arrival the Colony had been exclusively under military rule. After the departure of Picton the civil administration had received more attention than had been possible to afford to it during the six years immediately following the conquest, but still the tone of the Government had been most decidedly military.

It could scarcely indeed have been otherwise; war was then raging on all sides; and as the naval battles were chiefly fought in the seas between Europe and America, every West Indian Colony was constantly liable to attack. In 1813 this state of things had very much changed. Napoleon's star was no longer in the ascendant, and the war was evidently drawing to an end. So far as her West Indian Colonies were concerned, England had no immediate cause for anxiety, and it became possible to attend to the internal economy of Colonies which had been won by the sword and ruled until then as outpost garrisons.

The man to whom was entrusted the task of commencing a new era for Trinidad was pre-eminently fitted for such a work. Under his wise and energetic rule the Colony underwent a complete transformation. He gave an impulse to its commerce which enabled it to weather the storm which in after years involved the other West Indian Colonies in one common ruin; and it is no exaggeration to assert that almost

every work of public utility which now exists in Trinidad was either commenced by Sir Ralph Woodford or contemplated by him as a thing to be done so soon as time and circumstances would permit.

END OF VOL. I.

APPENDIX.

NOTES.

THE CEDULA OF POPULATION.*

THE KING.



HEREAS, by my instructions of the third of September, one thousand seven hundred and seventy-six, to Don Manuel Falques, Captain of Foot, who was then appointed Governor of my Island of Trinidad to Windward, and by the Commission which I afterwards gave to Don Joseph de Abalos, appointing him Intendant General of the Province of Caracas, I thought proper to establish regulations, and to grant various privileges for the population and commerce of the said Island ; I have now resolved, on the representation of the said Intendant, and at the instance of certain colonists already established in the said Island and others who require permission to settle therein, to establish complete instructions in the following Articles :—

“ARTICLE 1.—All foreigners, being subjects of powers and nations in alliance with me, who are desirous of establishing themselves, or who are already settled in the said Island of Trinidad, shall sufficiently prove to the Government thereof that they are of the Roman Catholic persuasion, without which they shall not be allowed on any account to settle in the same ; but the subjects of these my dominions, or those of the Indies, shall not be obliged to adduce such proof, because no doubt can arise as to their religion.

“ARTICLE 2.—All foreigners who shall be admitted, agreeably to the foregoing Article, to reside in the said Island, shall take before the Governor thereof the oath of fealty and submission, by which they shall promise to obey the Laws and general Ordinances to which Spaniards are subject ; and thereupon lands shall be granted to them, in my Royal name, gratuitously for ever, in the proportions mentioned in the following rule.

* This document, of which but few copies exist, is of importance, as on its provisions the titles to a large number of estates in Trinidad are based. It will be constantly referred to in Vol. II. of this work when dealing with the long dispute between Sir Ralph Woodford and the “Committee of Trinidad Landholders,” which lasted for fourteen years,

“ARTICLE 3.—To each white person of either sex, four fanegas and two-sevenths, and the half of that quantity of land for each negro or coloured slave which the settlers shall introduce; the lands to be so distributed that every one may have his share of the good, middling, and bad; the assignments of lands to be entered in a Book of Registry, with insertion of the name of each settler, the day of his or her admittance, the number of individuals composing his or her family, their rank, and from whence they came. Copies of such entries shall be given to serve as titles to property.

“ARTICLE 4.—Free negroes, and coloured people, who, as planters and heads of families, establish themselves in the said Island, shall have one-half of the quantity of land so assigned to the whites, and the same proportion for each slave they introduce; similar documents to be given to them as to the whites.

“ARTICLE 5.—When the settlers shall have resided five years in the said Island and bound themselves to remain therein, they shall receive all the rights and privileges of naturalization, and so likewise shall their children, whether brought by them to the Island or born therein, and in consequence shall be eligible for all honourable public employments and to posts in the Militia according to their respective capacities and circumstances.

“ARTICLE 6.—No capitation money or personal tribute, however small, shall be imposed upon the inhabitants at any time, save and except the annual sum of one dollar for each negro or coloured slave, to be paid after a ten years’ residence in the said Island, and the said sum shall never be augmented.

“ARTICLE 7.—During the first five years of residence the Spanish and foreign settlers shall have liberty to return to their countries or former places of abode, in which case they shall be allowed to take from the said Island all the goods and property introduced by them into the same, without paying any duty upon exportation; but they must pay for all property acquired by them during their residence in the said Island the sum of ten per cent. It must, however, be understood that the lands assigned to such settlers who afterwards voluntarily quit the Island shall devolve to my Royal patrimony, to be given to others, or disposed of as shall appear to me most fit.

[Articles 8 and 9 merely provide for Testamentary Dispositions.]

“ARTICLE 10.—Any settler who, by reason of any lawsuit or other just and pressing motive, may require to go to Spain, or any provinces of my Indies, or to foreign dominions, must request permission from the Governor, and will obtain the same, provided it be not to go to an enemy’s country, or to carry away property.

“ARTICLE 11.—Spanish and foreign settlers shall be free from the payment of tithes on the produce of their lands, for ten years; and after that period (to be computed from the 1st day of January, 1785) they shall only pay half tithes—that is, five per cent.

“ARTICLE 12.—They shall also for the first ten years be free from the payment of the Royal duty of Alcabala on the sales of their produce and merchantable effects, and shall afterwards only pay an equivalent for the said duty of five per cent. ; but whatever shall be embarked for these kingdoms in Spanish vessels shall be for ever exempt from any duty on exportation.

“ARTICLE 13.—All the inhabitants should be armed, even in times of peace, to keep the slaves in subjection and resist any invasion, or the incursion of pirates, but I do hereby declare that such obligation is not to render them liable to the duties of a regular Militia. They must, however, present their arms for inspection before the Governor, or some officer appointed by him, every two months ; in time of war or on an insurrection of the slaves, they shall assemble together for the defence of the Island in such way as the Commander-in-Chief thereof may direct.

“ARTICLE 14.—All vessels belonging to the old or new settlers, whatever may be their tonnage or make, shall be carried to the said Island and enrolled therein, and the proofs of the property in them enregistered, upon which they shall be accounted Spanish vessels ; as also such vessels as may be acquired from foreigners by purchase or other legal title, until the end of the year 1786 ; the said vessels to be free from the duty paid in qualifying foreign vessels for the Spanish trade ; and such as wish to build vessels in the said Island shall have free use of the woods belonging to the Government, save and except those which may be destined for the building of vessels for the Royal Navy.

“ARTICLE 15.—The commerce and introduction of slaves into the said Island shall be totally free of duties for the term of ten years, to be reckoned from the beginning of the year 1785, after which period the colonists and traders in slaves shall only pay five per cent. on their current value at the time of their importation ; but it shall not be legal to export slaves from the said Island to any other of my Indian dominions save with my Royal permission and on payment of six per cent. on their importation into my other dominions as aforesaid.

“ARTICLE 16.—The said settlers shall be permitted, having first obtained a license from the Government, to go to the Islands in alliance with us, or the neutral ones, to procure slaves, either in vessels belonging to or freighted by them, being Spanish bottoms, and to export for the payment of the said slaves the necessary produce, goods and property, on payment of five per cent. on exportation ; the said duty to be paid by the traders in slaves who, with my permission, import them to the said Island, beside the duty on their entry, from all which I have freed the settlers in order to encourage agriculture and commerce.

[Articles 17 and 18 exempt commerce between Trinidad and any part of the Spanish Dominions from all duty.]

“ARTICLE 19.—In order to facilitate every means by which the population and commerce of the said Island can be increased, I do hereby permit for the term of ten years (to be computed from the beginning of the year

1785) all vesels belonging to the same, or to my subjects in Spain, to make voyages to the said Island with their cargoes, direct from those ports of France where my Consuls are resident and to return direct to the said ports with the fruits and productions of the said Island, except specie, the exportation whereof by that route I absolutely prohibit; subject, however, to the following obligation on the part of the said Consuls, that they shall draw up a particular register of everything embarked, and sign, seal, and deliver the same to the captain or master of the vessel, so that he may present the same to the officer charged with the receipt of my Royal Revenues in the said Island of Trinidad; and subject likewise to the payment for the introduction of the goods and merchandize into the said Island of the sum of five per cent., and the same amount on such produce as shall be exported from the same and carried to France or any foreign port, without touching at any one of the Spanish ports which are licensed to trade with the Indies.

“ARTICLE 20.—In case of urgent necessity (to be attested by the Governor) I do hereby grant to the inhabitants of the said Island the same permission as is contained in the foregoing Article, under the condition that the captains or masters of the vessels do make accurate invoices of their cargoes, and deliver the same to the proper officers in the said Island, so that by comparing the said invoices with the goods imported, the said duty of five per cent. may be levied on the then current value of the said goods at the said Island of Trinidad.

“ARTICLE 21.—In order that the old and new settlers may be furnished with the most necessary supplies for their maintenance and industry, I have given orders to the Commanders-in-Chief of the Provinces of Caracas to purchase on account of my Royal Revenue, and transport to the said Island, black cattle, mules, and horses, to be delivered to the said settlers at prime cost until such time as they have sufficient stock to supply themselves.

“ARTICLE 22.—I have likewise given the same order for supplying the said Island with flour and meal for the term of ten years; and if by any accident a scarcity should take place, the Governor shall permit the inhabitants to go with their own vessels, or those of others my subjects, to the foreign Islands to purchase what they stand in need of, and for that purpose to export such produce as may be necessary, they paying on exportation the sum of five per cent., and the same proportion on the flour and meal imported into the said Island.

“ARTICLE 23.—I have likewise ordered that all matters and things of Spanish manufacture which may be required by the settlers for their agriculture shall be imported into the said Island and given to the settlers at prime cost for the said term of ten years, after which period each person must provide for himself; if during that period there shall be an urgent necessity for those matters and things, the settlers shall be allowed to procure them from the foreign Islands belonging to powers in alliance with me, subject to the same duties as the flour and meal.

“ARTICLE 24.—I have likewise ordered that two secular (or regular) priests of known literature and exemplary virtue, and skilled and versed

in foreign languages, shall be appointed to reside in the said Island to act as parish priests to the new settlers, and I shall assign to them the necessary stipends to enable them to live in the decent manner which their character requires, without being any charge to their parishioners.

“ARTICLE 25.—I permit the old and new settlers to propose to me, through the Governor, such Ordinances as shall be most proper for regulating the treatment of their slaves and preventing their flight; and at the same time to suggest rules for the Governor to observe relative to this Article, and as to the reciprocal restitution of fugitive slaves from other Islands belonging to foreign powers.

“ARTICLE 26.—I also enjoin the said Governor to take the utmost care to prevent the introduction of ants into the said Island, which have done so much injury in the Antilles, and for that purpose to cause the baggage of the settlers arriving at the said Island to be severally examined; and as the inhabitants are the persons most interested in the execution of this order they shall propose to the Government two of the most active and proper persons to examine the vessels and zealously watch over the observance of this point.

“ARTICLE 27.—When the cultivation of sugar becomes fully extended in Trinidad, I shall allow the settlers to establish refineries in Spain with all the privileges and freedom from duties which I may have granted to any natives or foreigners who shall have established the same; and I will allow in due time the erection of a Consular Tribunal to increase and protect agriculture, navigation and commerce; and I have now charged the Governor in his private instructions, and the other Judges of the said Island, to take care that all the inhabitants, Spaniards and foreigners, be well and humanely treated, so that they may not receive any molestation or hindrance, which would be greatly to my Royal displeasure.

“ARTICLE 28.—Lastly, I grant to the old and new settlers, whenever they have motives worthy of my Royal consideration, the privilege of directing representations to me through the medium of the Governor and the Chief Secretary of State for the Indies; and if the matters are of such a nature as to require a person to be sent on their account, the inhabitants shall ask permission to that effect, and I will grant the same, if their complaint be just.

“And that the Articles contained in this Ordinance be duly carried into effect, I grant a dispensation from all laws and regulations contrary to them; and I command my Council of the Indies and the Chanceries and Audiences thereof, Presidents, Captains General and Commanders-in-Chief, Ordinary Judges, Ministers of my Royal Revenue and my Consuls in the ports of France, to keep, fulfil and execute, and cause to be kept fulfilled and executed, all the rules and regulations contained in this my Cedula.

“Given at San Lorenzo on the 20th day of November, 1783.

(Signed) “I, THE KING.

(Countersigned) “JOSEPH DE GALVEZ.”

*Despatch from Governor Chacon, announcing the capture of the Island
by the British.*

[TRANSLATION.]

“Trinidad,

“27th February, 1797.

“Sir,—The series of mishaps which have befallen this Colony since last year, and which I have from time to time brought under Your Excellency’s notice, after gradually becoming more and more alarming, have at last reached their climax.

“On the 16th of the present month, at 3 p.m., an English squadron, commanded by Rear-Admiral Harvey, and having on board an expeditionary force under the orders of General Sir Ralph Abercromby, who had with him everything necessary for the conquest of a well fortified and sufficiently garrisoned stronghold, made its appearance in the Gulf.

“The fleet consisted of three line-of-battle ships, three frigates (each mounting forty guns), three twenty-gun corvettes, three eighteen-gun brigs and a bomb ship. On board of these vessels there were six English Regiments, six German Corps, a Rifle Corps of coloured troops, a large body of artillery, and a number of artificers and pioneers.

“Against such a force as this the Island could afford no resistance, none of the fortifications which had been commenced being complete.

“A combination of unfortunate accidents had frustrated all the well laid plans of the Ministry and made useless all our vigilance and activity. The inevitable delay in the buildings, and the capture of the brig *Galgo* with the cargo which was on board of her for us kept us in the unfortunate position of not being able to provide properly for the troops, who lived upon rations supplied by my Treasurer who gave them credit, and also upon such chance hospitality as they could occasionally obtain.

“The coast being blockaded by the enemy’s vessels, the Indians and the Peons who were to have been sent to me by the Captain General of Caracas and the Governor of Cumana to work on the fortifications, were unable to come, and there was consequently a delay in the construction of those works, which was none the less injurious because unavoidable.

“The troops who arrived here from Spain in September last, as well as the crews of the vessels in which they came, suffered, like all new comers from Europe during the rainy season; one-third of their number died, and of the remainder some are still in hospital, the rest being convalescent.

“When the enemy appeared the whole available force under my orders consisted of 302 rank and file of the provisional battalion, and of these 157 were on duty, the men upon patrol and picket duty not being

included. At the Island of Gaspar Grande, which is at the entrance of the Bay of Chaguaramas, about three leagues distant from Port-of-Spain, there were 132 men and 3 officers of the same battalion.

“The unmistakable difference between the strength of the invaders and our weakness caused such terror amongst the Militia and the country people that 200 men who had been ordered to Chaguaramas as a reinforcement fled into the woods, and their example was speedily followed by the rest of the Militia, the officers alone presenting themselves at the rendezvous, being unable to assemble their men.

“The enemy having made sure of the passage from the Bocas to the Bay of Chaguaramas, dropped anchor at nightfall near our ships, thus cutting off our communication with the (Carribean) sea; their frigates and smaller vessels cruized off the coast (inside the Gulf), we having nothing to oppose to them but two armed launches and the small French privateer *Patriot*, Captain Ferret, by means of which a watch was kept from Port-of-Spain upon the movement of the enemy.

“At half-past one in the morning we saw the flames of a conflagration which, from the accompanying explosions, we believed was that of the ships, but we knew nothing of the details until nine o'clock when the Admiral arrived in town and reported that the enemy having attacked the Island of Gaspar Grande on which there was no water, and the heights which commanded Chaguaramas being undefended, he had found it impossible to make sail without the almost inevitable result that his vessels would be captured by the enemy; he had therefore assembled a council of war, and in concert with the captains who had formed it, had determined to burn his ships, after instructing the Commandant of the Fort on Gaspar Grande to spike the guns and to make good his retreat along with the Captain of Engineers, Don Andrea Gonzales.

“The length and irregularity of the road, which in many places is very narrow and passes through high woods, and the fact that the great majority were either sick or convalescent, caused the crews of the vessels and the soldiers to delay upon the march; and although the Admiral had ordered them to retreat in regular order, only a few of the marines and artillery reached head-quarters.

“The whole of the enemy's vessels now made for the shore and threatened us from three different points half a league from each other, the nearest being one league from the town. They landed at 2.30 p.m., covered by the guns of their small vessels which were stationed near the shore, thus intercepting the crews of our vessels, who, as I have already stated, had been dispersed.

“At the same time several frigates and small vessels approached Port-of-Spain and opened fire, but as our battery at the Mole Head is well advanced and mounted with heavy guns, we were able to keep them at such a distance that their shot did not reach the town, whilst ours passed beyond them.

“On land we were unable to offer the same resistance, for we had only the small body of veterans already mentioned, a few men who had

arrived from the detachment at Chaguaramas, 200 marines belonging to the squadron and commanded by Don Bernard Escalante, and 34 men of the veteran battalion who had come out of hospital that very evening and who at their own request, although really ill, took up arms. These, with a few others withdrawn from the less important posts, formed a force of about 600 men, the majority of whom were convalescents.

"From this number I selected 50 men, who I despatched under Lieutenant Don Juan Tornos of the Royal Navy, to reconnoitre the movements of the enemy, with orders to retire should he meet them in superior force. At six in the evening that officer reported to the senior officer of troops, Don Francisco Carabaño, that he had met the English advanced guard in great strength. After communicating this to me, the commanding officer went to the support of Tornos, but being unable to cope with the enemy, whose numbers were momentarily increasing, he withdrew his men and retreated in good order, taking up a position under cover of the guns of No. 1 redoubt.

"Whilst the leading column of the enemy thus forced our troops to retire, his riflemen, infantry, and artillery diverged to the north and succeeded in making themselves masters of the heights which commanded the redoubt just named from the rear, as well as that known as No. 2, which latter was manned by the marines who had just retired to it, and a few Indians armed with bows and arrows. At this time I was left with only 340 men in the camp at Laventille, behind the line of defence formed by the two redoubts. Being thus master of the heights, the enemy had an immense advantage over us, and being commanded by his artillery, we had no chance of escape. Our communication with the Mole Head battery was cut off; but in spite of that, and although without water, its commandant, Don José Meller, continued to keep up a brisk fire upon the enemy's vessels.

"The interior of the Island afforded me no place to which I could retire. I found myself without provisions, without ammunition, and without men, and I was at the same time beset by the inhabitants, who entreated me by a timely capitulation to save them from the slaughter which they conceived every minute's delay rendered more imminent. In spite of the extremity in which I found myself, I was still buoyed up with a faint hope of being able to collect a few soldiers and sailors in order to make a diversion by attacking the enemy on the hills, and thus possibly altering our position. I therefore sent out messengers in every direction, but without result, for when I repaired to the spot I had named as a general rendezvous I found only the Admiral there. Such was the state of affairs when, at six o'clock in the evening, General Abercromby, having ordered a cessation of hostilities on his side, sent an officer to me asking me to do the same, and suggesting an interview.

"The message sent to me by General Abercromby reflects so much credit upon that officer that I deem it my duty to give it here in full :—

"State to the Governor that I see with sorrow his troops are without hope of being able to carry out his wishes; that the undeniable superiority of the troops under my command has rendered me master of the town, and that he is surrounded

on all sides, both by sea and land, without the slightest chance of assistance. With such unequal forces resistance is for him impossible; and before causing a considerable amount of bloodshed without any hope of ultimate success, I beg him to name a place for conference. I offer him an honourable capitulation on such terms as are due to good and faithful soldiers who would otherwise be sacrificed in vain."

"This message rendered it necessary for me to consult with my principal officers—that is to say, with the Lieutenant-Governor (Auditor de Guerra) and the respective commanding officers. I had felt a repugnance for asking for terms of capitulation; but when offered to me, especially in such language, I felt it would be mere foolhardiness to refuse them; and as we all were agreed to yield to necessity, and no other alternative presented itself, I ordered the suspension of hostilities, and went to meet General Abercromby. When the terms of the capitulation had been agreed upon between us, a messenger was despatched to inform General Harvey that on the next morning at eight o'clock he was to meet us, which he did, and the cession was then made.

"Into the midst of the grief into which I am plunged by this disaster I have the satisfaction of knowing that all my officers did their duty; that the troops were full of zeal and thoroughly well disposed in spite of the well known disproportion between our strength and that of the enemy and their bad state of health: indeed, to many of them their own courage alone supplied the strength to appear under arms, of which they had been deprived by illness. The enemy therefore has no cause to boast in having overcome a mere handful of men; but it is my duty to mention his generosity in listening to the pleadings of humanity in favour of those to whom the fortune of war had proved unfavourable instead of completing his conquest by brute force.

"I am unable to state with certainty the numbers of our killed and wounded, but there cannot be many, for I have only heard of six deaths from gunshot wounds, and of one, that of a private individual, called Mateol Martinez, from the bursting of a gun; there are two hundred and some missing. I do not know what the loss of the enemy may have been, but I have been told they lost the greater part of the German Regiment.

"The Admiral leaves in the English vessel *Alfred*, and the officers, soldiers and sailors of the fleet will be taken in transports to Martinique, from whence they will be sent to Cadiz in merchant vessels. Several officers of the garrison intend leaving their families on the Main, and having delivered the military chest to the Captain General of Caracas, will from thence proceed to Spain.

"I remain here fitting out a vessel to take me to Cadiz with the rest of the officers, some Government officials, and such of the invalids who may be able to accompany me.

"May God preserve Your Excellency many years.

"JOSE MARIA CHACON.

"His Excellency

"Don MIGUEL JOSE DE AZANCA."

*Despatch from Lieutenant-General Sir Ralph Abercromby, K.B., to the
Right Honourable H. Dundas.*

“ Head Quarters, Trinidad,

“ February 27th, 1797.

“ Sir,—On my arrival in this country I did not fail to lay before the Admiral my instructions and to consult with him upon the means of carrying them into execution. I found in him every desire to co-operate with me in the execution of the views to which they are directed.

“ The arrival of a part of the convoy from England enabled us to proceed with confidence in our operations; therefore as soon as the troops could be collected from the different Islands which were ordered to rendezvous at Cariacou, the Admiral sailed from Martinique, which Island he left with his squadron on the 12th inst.

“ The precision with which the Admiral had given his orders to assemble the ships of war and transports left us not a moment of delay. On the 15th, in the morning, the fleet sailed from Cariacou. On the 16th, in the afternoon, it passed through the Bocas or entrance into the Gulf of Paria, where we found the Spanish Admiral with four sail of the line and a frigate at anchor under cover of the Island of Gaspar Grande, which was fortified.

“ Our squadron worked up and came to anchor opposite and nearly within gunshot of the Spanish ships. The frigates and transports were ordered to anchor higher up in the Bay and at the distance nearly of five miles from the town of Port d’Espagne.

“ The disposition was immediately made for landing next morning and for a general attack upon the town and ships of war. At 2 a.m. on the 17th we perceived the Spanish squadron to be on fire; the ships burned with great fury, one line of battle ship excepted, which escaped the conflagration and was taken possession of at daylight in the morning by the boats from our fleet; the enemy at the same time evacuated the Island and abandoned that quarter.

“ This unexpected turn of affairs directed our whole attention to the town. The troops were immediately ordered to land, and as soon as a few hundred men could be got on shore about four miles to the westward of it, we advanced, meeting with little or no resistance.

“ Before night we were masters of Port d’Espagne and the neighbourhood, two small forts excepted.

“ In the morning a capitulation was entered into with the Governor, Don Chacon, and in the evening all the Spanish troops laid down their arms, and the whole Colony passed under the dominion of His Britannic Majesty.

“ Copies of the capitulation, of the stores and provisions taken, are herewith transmitted.

"It is a peculiar satisfaction to me that there is no list of killed and wounded, Lieutenant Villeneuve of the 8th Regiment of Foot, who was Brigade Major to Brigadier General Hompesch, being the only person wounded, and he is since dead of his wounds.

"From the Admiral I have experienced every possible co-operation. Captain Woolley of H.M.S. *Arethusa* and Captain Wood of the *Favourite* sloop of war, who had been sent to reconnoitre in the Gulf of Paria, afforded us minute information of the situation of the enemy previous to our arrival.

"Captain Woolley, who directed the disembarkation, shewed all the zeal and intelligence which I have experienced from him on former occasions.

"To Lord Craven, who begged to attend the expedition, I am indebted for great zeal and exertion.

"Lieutenant-Colonel Soter, who is intimately acquainted with this country, has been, and continues to be of very great use to me. I should not do justice to his general character if I did not take this opportunity to express it. My Aide-de-Camp, Captain Drew of the 46th Regiment, will have the honour to deliver this letter; he has served long in this country, and is capable of giving such further information as may be required.

"I humbly beg leave to recommend him to His Majesty's favour.

"I have the honour to be,

"Sir,

"Your most obedient humble Servant,

"R. ABERCROMBY."

Rear-Admiral Harvey to Mr. E. Nepean, Secretary to the Admiralty.

"Port d'Espagne,

"21st February, 1797.

"Sir,—I have the honour to acquaint you for the information of their Lordships, that it having been determined an attack should be made on the Island of Trinidad, both with a view to that Colony and to the Spanish squadron which had been there for some time past, the troops intended for this expedition from Martinico were accordingly embarked in the ships of war and transports, and I sailed from Fort Royal Bay on the 12th instant with the ships and vessels of His Majesty's squadron under my command. Lieutenant-Colonel Sir Ralph Abercromby embarked with me in the *Prince of Wales*.

“ The *Invincible* had previously sailed for Barbados with two transports to embark a part of the 14th Regiment, and the *Thorn* and *Zebra* were ordered to receive the detachments from Tobago ; the *Favourite* was sent to St. Vincent to collect some troops from that Island, and the whole were ordered to rendezvous at the Island of Cariacou, one of the Grenadines, on or before the 13th, and on my arrival at that Island on the 14th I found all the ships and transports were assembled.

“ On the 15th, in the morning, I sailed with the squadron and transports, passing between Cariacou and Grenada, and on the 16th arrived off Trinidad and stood off the Gulf of Paria, when, having passed through the Great Boca Channel at half-past three in the afternoon, the Spanish squadron was discovered at anchor at Chaguaramas Bay, consisting of four sail of the line, under the flag of a Rear-Admiral, and one frigate.

“ As the day was well advanced before I approached the Bay and the enemy appeared in strength on the Gasparillo Island which commanded the anchorage by batteries erected for that purpose, I ordered the *Arethusa*, *Thorn* and *Zebra* to proceed a little further up the Gulf and anchor with all the transports during the night and prevent any vessels sailing from Port d’Espagne.

“ In the evening just before dark I anchored with the ships of the line in order of battle opposite to the enemy’s squadron within random shot off their ships and batteries and in constant readiness to prevent their escape during the night, which I suspected they would attempt, as all their sails were bent and they appeared perfectly ready for sailing.

“ At two o’clock in the morning of the 17th we discovered one of their ships on fire, and soon after three others, all of which burned with great fury until daybreak, when they were entirely consumed. One of them having escaped the conflagration, the boats were sent from the squadron and she was brought out without having received any damage.

“ I have great satisfaction in acquainting their Lordships that the squadron of the enemy, commanded by Rear-Admiral Don Sebastian Apodaca, was destroyed or captured according to the list I herewith enclose ; and although this service was effected without any other act of His Majesty’s squadron under my command than being placed in such a position as to prevent their escape, I am fully convinced that had they remained at their anchorage until the next day the officers and men whom I have the honour to command would have completed by their exertions and zeal the capture of the whole, notwithstanding the advantage of their situation under the cover of about twenty pieces of cannon and three mortars which were mounted on Gasparillo Island, and had been placed there for the purpose of defending the ships in the Bay. That Island, which, like the ships, had been abandoned during the night, was taken possession of soon after daylight by a party of the Queen’s Regiment.

“ General Abercromby early in the morning joined the *Arethusa*, and the troops were all landed in the course of the day (under the direction of Captain Woolley, covered by the *Favourite* sloop) about three miles from the town without any opposition. The General took possession of the town the same evening, and on the 18th the garrison desired to capi-

tulate for the whole Island, and the Articles were agreed to and signed the same day, a copy of which I herewith transmit.

“ Captain Harvey of H.M.S. *Prince of Wales* will have the honour to deliver this despatch, from whom I have always experienced the greatest zeal and attention to His Majesty’s service.

“ I have the honour to be, &c., &c.,

“ HENRY HARVEY.”

Articles of Capitulation for the surrender of the Island of Trinidad, between His Excellency Sir Ralph Abercromby, K.B., Commander-in-Chief of His Britannic Majesty’s Land Forces, Henry Harvey, Esquire, Rear-Admiral of the Red and Commander-in-Chief of His Britannic Majesty’s Ships and Vessels of War, and His Excellency Don José Maria Chacon, Knight of the Order of Calatrava, Brigadier of the Royal Navy, Governor and Commander-in-Chief of the Island of Trinidad and its Dependencies, Inspector-General of the Troops of the Garrison, &c., &c.

“ ARTICLE 1.—The officers and troops of His Catholic Majesty and his allies in the Island of Trinidad are to surrender themselves prisoners of war, and are to deliver up the territory, forts, buildings, arms, ammunition, money, effects, plans and stores, with exact inventories thereof, belonging to His Catholic Majesty, and they are thereby transferred to His Britannic Majesty in the same manner and possession as has been held heretofore by his said Catholic Majesty.

“ ARTICLE 2.—The troops of His Catholic Majesty are to march out with the honours of war, and to lay down their arms at a distance of three hundred paces from the forts they occupy, at five o’clock this evening, the 18th February.

“ ARTICLE 3.—All the officers and troops aforesaid of His Catholic Majesty are allowed to keep their private effects, and the officers are allowed to wear their swords.

“ ARTICLE 4.—Admiral Don Sebastian Ruiz de Apodaca being on shore in the Island after having burnt and abandoned his ships, he, with the officers and men of the squadron under his command, are included in this capitulation, under the same terms as are granted to His Catholic Majesty’s troops.

“ ARTICLE 5.—As soon as ships can be conveniently provided for the purpose, the prisoners are to be conveyed to Old Spain, they remaining prisoners of war, until exchanged by a cartel between the two nations or until peace, it being clearly understood that they shall not serve against Great Britain or her allies until exchanged.

"ARTICLE 6.—There being some officers among His Catholic Majesty's troops whose private affairs require their presence at different places of the continent of America, such officers are permitted to go upon their parole to the said places for six months, more or less, after which period they are to return to Europe ; but as the number receiving this indulgence must be limited, His Excellency Don Chacon will previously deliver to the British Commanders a list of their names, ranks, and places which they are going to.

"ARTICLE 7.—The officers of the Royal Administration, upon the delivery of the stores with which they are charged to such officers as may be appointed by the British Commanders, will receive receipts, according to the custom in like cases, from the officers so appointed to receive the stores.

"ARTICLE 8.—All the private property of the inhabitants, as well Spaniards as such as may have been naturalized, is preserved to them.

"ARTICLE 9.—All public records are to be preserved in such courts or offices as they are now in ; and all contracts and purchases between individuals which have been done according to the law of Spain are to be held valid and binding by the British Government.

"ARTICLE 10.—The Spanish Officers of Administration who are possessed of landed property in Trinidad are allowed to remain in the Island, they taking the oath of allegiance to His Britannic Majesty ; and they are further allowed, should they please, to sell or dispose of their property and to retire elsewhere.

"ARTICLE 11.—The free exercise of their religion is allowed to the inhabitants.

"ARTICLE 12.—The free coloured people who have been acknowledged as such by the laws of Spain shall be protected in their liberty, persons and property, like other inhabitants, they taking the oath of allegiance and demeaning themselves as becomes good and peaceable subjects of His Britannic Majesty.

"ARTICLE 13.—The sailors and soldiers of His Catholic Majesty's are, from the time of their laying down their arms, to be fed by the British Government, leaving the expense to be regulated by the cartel between the two nations.

"ARTICLE 14.—The sick of the Spanish troops will be taken care of, but to be attended and to be under the inspection of their own surgeons.

"ARTICLE 15.—All the inhabitants of Trinidad shall, within thirty days from the date hereof, take the oath of allegiance to His Britannic Majesty to demean themselves quietly and faithfully to his Government, upon pain in case of non-compliance of being sent away from the Island.

"Done at Port d'Espagne, in the Island of Trinidad, the 18th day of February, 1797.

"RALPH ABERCROMBY.

"HENRY HARVEY.

"JOSE MARIA CHACON."

Proclamation by their Excellencies Sir Ralph Abercromby, K.B., and Henry Harvey, Esq., Commander-in-Chief of His Majesty's Land and Sea Forces, &c., &c., &c.

“The Colony of Trinidad being by virtue of a capitulation concluded between His Excellency Don Chacon, late Governor for His Catholic Majesty, and ourselves, become subject to the Crown of Great Britain; we, in the name of His Britannic Majesty, make known to all the inhabitants thereof, that we will, to the utmost of our power, assure them in the full and entire security of their persons and property as held under the Articles of the said Capitulation, of which such as are necessary are here added.

[Articles 8, 9, 11, 12 and 15 were here recited.]

All such Frenchmen as consider themselves to be citizens of the French Republic are expected to make their appearance before the Commandant at Port d'Espagne. Their property shall be preserved to them, and the means shall be provided for their safe conveyance to some French, Dutch or Spanish Colony.

“Public notice will be given appointing places where the inhabitants are to make oath of allegiance to His Britannic Majesty and his Government on the 1st day of March next; to demean themselves quietly and faithfully to his Government, but without being forced or expected to be in arms in any way. All muskets and arms of every description with ammunition in possession of the inhabitants, except the swords and fowling pieces of gentlemen, are to be immediately brought to the nearest British fort and to be delivered up to the Commandant thereof. Should any arms be hereafter found beyond a reasonable time for the delivery of them, the possessors will be held guilty of a breach of the peace.

“Given under our hands and seals at arms at Head Quarters, Port d'Espagne, in the Island of Trinidad, the 19th February, 1797.

“R. ABERCROMBY.

“H. HARVEY.

“By command,

“FRED. MAITLAND, Secretary.”

“Head Quarters, Port d'Espagne,

“22nd February, 1797.

“To John Nihell, Esq., and Joseph Mayan, Esq., Commandants of the Quarter of Port-of-Spain, in the Island of Trinidad.

“This Colony being, by virtue of the capitulation concluded by His Catholic Majesty's Governor, Don Chacon, become subject to His Britannic

Majesty, I have the honour to transmit to you a Proclamation, bearing date the 19th inst., published by the Commander-in-Chief of His Majesty's Fleet and myself; and you are hereby required to give notice to all the inhabitants residing or who may hereafter reside in your district to assemble at such convenient place as you may appoint upon the 24th day of this month, there and in your presence to take the following oath of allegiance to His Britannic Majesty :—

“I, ———, do swear to bear true and faithful allegiance to His Majesty King George the Third, his heirs and successors, according to the Articles of Capitulation of Trinidad, so long as I live under or hold property under his Government, and to make discovery without loss of time to His Britannic Majesty's Commandant of this Island of any conspiracy or evil design intended against the safety of his Government which may come to my knowledge.—*So help me God.*”

“You are likewise required to take the necessary measures to collect all the arms in your quarter, and for conveying them safely, with the ammunition, to head-quarters—exception, however, is made to such gentlemen of property who, having taken the oath of allegiance, are desirous to keep arms for their own defence; but of all such you are to transmit an exact return to me, or the Commanding Officer for the time being.

“You are by this letter officially informed, and you are to make the same to be generally and publicly known, that the administration of civil and criminal justice, and of the Police or Cabildo, is to continue as heretofore under the Spanish laws; in civil causes reserving to the option of either party to appeal from the sentence of the Court here to the King and Council, provided the cause in litigation amounts to the value of £500.

“You are in like manner and for the same purpose informed, that all officers holding places either in the civil or criminal administration of justice, or of the Police or Cabildo, are to remain in their offices, they taking the oath required, of allegiance to His Majesty's Government, with the same salaries as they received under the Spanish Government, and with such fees as shall be allowed by a docket sanctioned by me.

“Further, that persons will be hereafter named to decide in maritime and commercial causes.

“That the clergy are to be continued exactly upon the same footing as during the Spanish Government.

“That the Indians in like manner are to remain as heretofore.

“You are to make a faithful and accurate return to me or His Majesty's Commandant of this Island of the names, nation, and other particulars of such person or persons who will not or do not take the oath of allegiance required.

“I have, &c., &c.,

“R. ABERCROMBY, L.G.,
“Commander-in-Chief.”

Commission issued by Sir Ralph Abercromby to John Nihell, Esq., as Chief Judge.

“ The Island of Trinidad having submitted to His Majesty’s arms, by virtue of the powers in me vested I hereby appoint you, John Nihell, the Chief Magistrate, Chief Judge and Auditor during His Majesty’s pleasure in and over the whole and every part of the said Island ; and I hereby require and command you to do and execute all things in due manner that shall belong to those different offices agreeable to the instructions and powers which shall by my order be given you by Lieutenant-Colonel Picton, whom I have appointed Governor of the said Island, and which instructions and powers shall have the full force as if signed by myself.

“ No provision having been made by the late capitulation for continuing the Spanish form of law in the administration of justice in this Island, and that form of law having been continued solely by my circular letter to the Captains of Quarters and other Magistrates, in order to avoid the confusion which may arise from too strict an adherence to the forms of that law under an English Government, particular directions will be given you in your instructions from Colonel Picton to explain fully my meaning and intention in this particular.

“ And whereas I have thought it necessary to remove from his office the late Assessor-General and do not think proper to appoint any other person to that office ; I hereby direct you to proceed in all civil cases without an Assessor, however contrary this may be to the Spanish forms of law.

“ And I hereby declare that all sentences thus passed or signed by you without an Assessor shall have the same force and must be carried into execution in the same manner as if the same had been signed by an Assessor. And whereas several complaints have been made to me of great extortions and unnecessary accumulations of law proceedings in order to increase the fees of Escribanos, Procuradors, and other officers of justice, I hereby charge and command you to pay particular attention to the curtailing and simplifying all lawsuits and to bring every process to as speedy a termination as the nature of the cause will admit, agreeable to the dictates of your own conscience and judgment and the instructions which you shall receive from Colonel Picton, however contrary to the practice of the tribunals under the former Government.

“ And I hereby give you full power and authority to deprive of their employment any Escribano, Procurador, or other officer of your tribunal whenever you find them or any of them guilty of extortion, malpractices in their offices, or disobedience of your orders.

“ In civil causes it shall be left to the option of either party to appeal from the sentence of your tribunal to the King and Council, provided the cause in litigation amounts to £500.

" In criminal cases the appeal shall be to the Governor, and no sentence shall be executed unless approved by him.

" Given under my hand and seal at Port-of-Spain, Trinidad, this 1st day of March, 1797.

" R. ABERCROMBY,

" Lieutenant-General.

" By command,

" FRED. MAITLAND, Secretary."

Explanatory Memorandum of the free People of Colour (referred to at page 312).

" We the undersigned (being the persons originally appointed to communicate with His Excellency on behalf of the people of colour, and others called in to assist on this occasion), in obedience to the resolution of the honourable Board of Council demanding an explicit definition of the objects for which the people of colour are desirous of imploring His Majesty's interference on their behalf, beg leave most humbly and with due respect to state what follows :—

" The natural disposition and wish of the people of colour is to look with mildness and with great allowance on every passing event which may occasionally assume a feature calculated to interest their feelings, and this disposition is grounded upon a just anxiety to maintain that place in the good opinion of the Government and all their fellow colonists which it has been their invariable object to cultivate.

" Such considerations will ever continue to actuate them, nor would they at this period have introduced themselves to the notice of the Government had not the interesting spectacle of the land of their existence on the eve of a radical change in its system of Government, and one class of its inhabitants arduously struggling for such a future mode of existence as appears to them best calculated to promote *their* happiness, been presented to our view and brought home to our feelings, thereby forcing our minds out of their natural bias and moving us involuntarily to a serious reflection on the circumstances connected with our own comfort and happiness. That we could exist in such a situation and under such circumstances spectators of the lively interest, the zealous and indefatigable exertions and feeling sensibility of all around us, aroused and animated in the event of a question deeply involving their dearest hopes, and remain ourselves insensibly supine in everything relating to our own interests and that of our tender offspring, is contrary to the principles of human nature ; that we should endeavour on the contrary to ascertain as far as might be consistent with prudence the footing on which we were in future to live, and that we should even solicit under such circumstances a secure and equitable mode of existence, must appear rational and inevitable to every reflecting mind.

“In entering attentively into prospective considerations we have felt ourselves in great uncertainty and doubt as to the probable issue of an attempt which might possibly hereafter be made to introduce many vexatious regulations which actually exist in some of the other British Colonies. That the occurrence of any such vexatious and unnecessary regulations in this Island is beyond the sphere of possibility (whilst under the noble and disinterested auspices of Your Excellency’s government) is what we are fully persuaded of; that we should even seriously apprehend the countenancing of any violation of natural equity whilst under the protection and superintendence of many most respectable and amiable personages whom we see around Your Excellency and others who live and act in this community, justice to their exalted characters forbids. But in the instability of human affairs and the incessant changes of society, the fair foundations upon which we build our hopes to-day may to-morrow vanish and be no more.

“Your Excellency may be suddenly called from hence to fulfil on a more extended field the higher and more glorious duties of your profession, and during your lamentable absence death or casualty may deprive us of the benevolent support and protection of many of those dignified characters whose presence now inspires us with confidence; then we may be exposed to unexpected disadvantages from quarters that it is impossible to foresee; then may we be subjected to painful inconveniences which, once introduced and established, it will become more difficult to remove than it is now by a timely foresight and prudent anticipation effectually to obviate.

“It was with such impressions that we proposed supplicating our Royal Master that he would be graciously pleased, in extending to this Island the British Colonial Constitution without national or religious distinction, to take into consideration his coloured subjects thereof, and to adopt such measures as in his Royal wisdom should appear best calculated to assure to us the full security of our persons and properties, the privilege of exercising our industry according to our capacities without restraint or limitation, and the power of securing to our posterity the fruits of our labour, and to protect us from the establishment of any future law which, having no reference to any necessary political object, might possibly be calculated solely to vex and personally to degrade us in our individual capacities.

“Upon these plain and sensible points hang all the objects of our application to His Majesty, and the improvement to which we alluded in our explanatory note to Your Excellency referred to the detail of legal arrangement necessary for placing upon a more certain and unexceptionable footing these simple principles.

“We sincerely assure Your Excellency and your Honourable Board that neither at the period of presenting our Petitions nor at any period before or since had any discussion or understanding taken place as to the precise points of our application to the Throne, it having been our unanimous opinion to defer such arrangements until we had obtained Your Excellency’s sanction, when the Petition to the Throne would have been digested.

"When we call to mind the liberal and benign sentiments expressed towards us on the occasion of delivering our Petition to Your Excellency and the unequivocal testimony to our character, which in your answer was so gratifying to our feelings as good and faithful subjects of our King and country, and compare therewith the subsequent notices which we had received, it appears evident to us that an unhappy misunderstanding as to our real motives and intentions (arising probably from some unintentional obscurity in our address) has since occurred to the minds of Your Excellency and your Honourable Board; we sincerely rejoice therefore that it has been thought necessary to call upon us for such an explicit detail of our views as the limits of a Petition could not possibly allow, inasmuch as it has furnished us with an opportunity of laying before you such a clear and certain explanation of our motives and intentions as will, we most ardently hope and desire, totally remove every doubt or suspicion which may have found a place in the minds of Your Excellency and your Honourable Board, and prove unequivocally the consistency of our wishes.

"We shall conclude these observations by assuring you that, faithful to those principles of unsullied loyalty to our King and country which constitute our pride and glory, the rulers of this country may ever securely rely upon the unshaken good conduct of its coloured inhabitants, who, influenced by the purest motives of devoted adherence to their consistent feelings which have so often drawn forth the unqualified approbation of their Government, will never be found deficient in exertions to preserve its confidence.

"We are naturally led to suppose that the legitimate source to which we should look for the inestimable blessings we ask for is our Sovereign Lord the King; we are nevertheless fully sensible of the happy effects which must attend our application, supported by the gracious recommendation of Your Excellency; and if in the prosecution of this object there has been any error in forms and we have failed on the ground of ignorance or insufficiency, we now hope to rise in your opinion on the fair claims of honest and pure intentions.

"And your petitioners, &c., &c., &c.

| | |
|--------------------|------------------|
| " LOUIS LATAPY. | " NOLY BEAUBRUN. |
| " WM. WILSON. | " WM. VESPREY. |
| " BTE. NAVET. | " G. P. GLENNY. |
| " J. P. SAULGER. | " FLORENT TOCTO. |
| " LOUIS PHILIP. | " L. DEBRULLON. |
| " JNO. SMITH. | " DESIR FABIEN. |
| " —. DUMAINE. | " GME. RENAUD. |
| " TITHON SKERRETT. | " J. W. HOBSON." |
| " E. SOHYER. | |

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